

Office for
Students



OfS

Consultation on a new approach to regulating equality of opportunity in English higher education

Including regulation of access and
participation plans

Analysis of consultation responses and decisions

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The Office for Students is the independent regulator for higher education in England. We aim to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

Our four regulatory objectives

All students, from all backgrounds, and with the ability and desire to undertake higher education:

- are supported to access, succeed in, and progress from, higher education
- receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure
- are able to progress into employment or further study, and their qualifications hold their value over time
- receive value for money.

Executive summary

Introduction

1. In 2022 the Office for Students (OfS) consulted on a new approach to the regulation of equality of opportunity in English higher education, including access and participation plans.
2. Respondents were invited to share their views on the consultation by submitting responses to an online survey. A summary of our proposals and the questions included in the consultation can be found in Annex A.
3. We received a large number of responses from providers and sector-representative stakeholders which has provided useful insight. We did not receive as many responses as we would have hoped from students or providers with small numbers of higher education students. We have engaged in further conversations with relevant sector and other representative bodies to understand the needs of these groups, where possible.
4. In this document we summarise and respond to the key points made in response to the consultation. We set out the decisions we have taken following our consideration of the consultation responses and other relevant factors. We also describe our next steps.
5. Having carefully considered all the responses, we have decided to proceed with the proposals broadly as set out in the consultation. We have, however, made some changes. These include:
 - the timetable for implementation of the new approach. The majority of providers will now be expected to submit a new access and participation plan in spring 2024.
 - the format of plan summaries. We have decided to amend Regulatory notice 1 to enable providers to produce plan summaries in a range of formats and media and to remove the expectation that providers will submit the summary for approval.
 - the reinstatement of the expectation that providers should include information in their plans regarding their overall expected investment on activities to support access
 - Regulatory notice 1 will include the word ‘support’ in reference to raising attainment work to better reflect that higher education providers activities will be a contribution to that of schools’ to raise pre-16 attainment.
6. We have reflected these changes in our revised guidance on access and participation plans (Regulatory notice 1), published alongside this report.
7. The consultation responses will also inform associated guidance on how to prepare access and participation plans (Regulatory advice 6).

Related publications

We recommend that you read this report alongside the following publications:

- Regulatory notice 1: Access and participation plan guidance

- Regulatory advice 6: How to prepare your access and participation plan¹
- The Equality of Opportunity Risk Register (EORR)
- Rapid review to support development of the Equality of Opportunity Risk Register (Report to the Office for Students by TASO)

What we were consulting on

8. The consultation set out proposals for the future approach to regulating equality of opportunity in English higher education. A significant focus of the OfS's proposed reforms are that future cycles of access and participation plans would come into effect from 2024-25 onwards. Access and participation plans set out how higher education providers will ensure all students, regardless of their characteristics or background, can access, succeed in and progress from higher education.
9. The consultation was published on the OfS website on 6 October 2022 and the deadline for responses was 10 November 2022.
10. During the consultation period the OfS held discussions with sector representative bodies and hosted an online consultation event for providers, students and other interested parties to support understanding of the proposals.

What we want access and participation plans to achieve

11. Access and participation plans are one of the regulatory tools the OfS deploys to facilitate the achievement of our regulatory objectives.
12. They set out how relevant higher education providers will improve equality of opportunity for students to access, succeed in and progress from higher education.
13. Some groups of people have historically been less likely to achieve the qualifications needed to study in higher education. Evidence suggests that the unequal opportunities these people face lead to gaps in knowledge, skills and dispositions at an early age. It also suggests that where these groups have acquired relevant knowledge, skills and dispositions, they often don't have the chance to successfully demonstrate them.
14. Inequality between groups has also occurred once they get into higher education and some students have been more likely to do well than others, even when their prior academic attainment is the same.
15. Our ambition is that factors beyond their direct and meaningful control should not prevent any student or prospective student from accessing, succeeding or progressing in the higher education sector. By this we mean that students should be empowered by the people, institutions and systems around them to make choices about their own lives and learning. They should be able to make these choices in the full knowledge of what those choices may lead to and the investment the students themselves will need to make. They should also have full

¹ To be published in spring 2023.

confidence that no aspect of a student's life experience or background will limit their choices, or the consequences of their choices, unfairly. This is what we mean by 'equality of opportunity'.

16. Higher education providers have a significant role in ensuring equality of opportunity in the sense we have described here. They can make sure that their own processes, culture and teaching are open to all on the basis of fair and transparent criteria. They can also take all reasonable steps, including the use of their influential position within local and national society and the economy, to remove barriers to fairness that fall outside their own institution but which have profound effects on who is accessing, succeeding and progressing in that institution and in higher education more widely. In particular, we consider that the higher education sector, as one dedicated to knowledge creation, curation and dissemination, has a role in furthering our understanding of the barriers to equality of opportunity and the most effective means of removing them. Each iteration of access and participation plans should enhance our knowledge of the nature, causes and effective mitigations of risks to equality of opportunity.
17. To achieve this ambition we set out our expectations for access and participation plans in 'Regulatory notice 1: Access and participation plan guidance'. This applies to providers that wish to charge above the basic statutory fee limit.

Response to the consultation

18. We received 169 responses to the consultation. Most responses were submitted via an online survey. Eight were submitted via email. A small number of responses were submitted after the deadline. All the responses received were considered.
19. Of the responses received, the majority were submitted on behalf of higher education providers (73 per cent). A small proportion were received from third-sector organisations (8 per cent) and non-student sector representative bodies (7 per cent). Only 4 per cent of responses came from student representative organisations.
20. The consultation asked respondents to provide the extent of their agreement or disagreement for each proposal using a Likert scale.² Overall responses to the consultation were positive, with over seven in ten respondents agreeing to some extent with six of the eight proposals. Support levels were lower for proposals 6 (Investment) and 7 (Raising attainment in schools and collaboration), although for both of these proposals the majority of respondents agreed to some extent. Table 1 provides a summary of the extent of respondents agreement with each proposal.

² A Likert scale is a method of data collection that enables a respondent to express degrees of agreements and disagreement. See <https://www.sciencedirect.com/referencework/9780123693983/encyclopedia-of-social-measurement>.

Table 1: Summary of responses

Proposal	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know or prefer not to say
1: Risks to equality of opportunity	13%	67%	11%	3%	7%
2: Four-year plan duration and publication of information about a provider's delivery of a plan	10%	61%	18%	4%	6%
3: Format and content of APP	24%	55%	12%	1%	8%
4: Targets	12%	66%	12%	4%	6%
5: Evaluation	21%	59%	12%	2%	6%
6: Investment	14%	44%	19%	11%	13%
7: Raising attainment in schools and collaboration	11%	42%	31%	9%	7%
8: Assessment process	18%	63%	8%	0%	12%

21. For proposals 1 to 6 and 8, respondents were given the opportunity to provide an explanation for their Likert scale answer. Respondents were also invited to submit comments on how the approach to the relevant proposal might differ. For Proposal 7, respondents were given the opportunity to submit an explanation for their answer to the Likert scale. They were invited to comment on how the OfS might support collaboration between providers, schools and relevant parties and facilitate successful partnerships.
22. To support the OfS's own review of consultation responses, we commissioned Pye Tait to undertake a qualitative and quantitative analysis and produce a comprehensive summary of respondents' views. The report from Pye Tait will be made available on the OfS website.
23. As many of the proposals were interrelated, comments about one proposal were frequently repeated in response to others. To avoid duplication in this document we have, where appropriate, set out the comments and our response under the proposal to which they primarily relate.

Final decisions and implementation

24. Having carefully considered all the responses received to our consultation, we have decided to proceed with the proposals broadly as set out in the consultation, with a number of changes that are set out in Table 2 below.

25. In making final decisions on our proposals, the OfS has had particular regard to its general duties in section 2 of the Higher Education and Research Act 2017 (HERA); sections 29-37 of HERA; additional regulations provided under HERA and other relevant factors.³ Annex B sets out our consideration of:

- a. The OfS's duty to protect academic freedom.
- b. The OfS's general duties.
- c. The public sector equality duty.
- d. Guidance issued by the Secretary of State.
- e. The Regulators' Code.

Table 2: Summary of decisions

Decision	
Timetable for implementation	<p>We have decided that we will take a staggered approach to the implementation of the next cycle of access and participation plans.</p> <p>This means that we will assess a smaller number of new plans in summer 2023 for 2024-25 onwards. The majority of providers will be expected to submit a new access and participation plan in spring 2024 for 2025-26 onwards.</p>
Proposal 1 – Risks to equality of opportunity	<p>We have decided to proceed with this proposal with some minor amendments to our proposed approach (these are set out below). This means that:</p> <ul style="list-style-type: none"> • a provider's access and participation plan should be focused on 'risks to equality of opportunity'. • a provider should have regard to the OfS Equality of Opportunity Risk Register (EORR) when identifying its risks to equality of opportunity <p>We have decided to amend Regulatory notice 1 to say:</p> <ul style="list-style-type: none"> • a provider is expected to begin its assessment of performance by considering the student groups and lifecycle stages covered by the OfS access and participation data dashboard as well as for any particular student groups highlighted by the EORR.

³³ Available at <https://www.legislation.gov.uk/ukdsi/2018/9780111162422>.

Decision	
	<ul style="list-style-type: none"> that while the EORR will be routinely updated, we would not normally expect providers to amend their plan to take account of emerging risks to equality of opportunity until it is due to submit a new plan, unless it wishes to make a variation. <p>We will publish further guidance about how providers can meet our expectations and make most effective use of the EORR in informing their access and participation plans in Regulatory advice 6.</p>
<p>Proposal 2 – Four-year plan duration and publication of information about a provider’s delivery of a plan</p>	<p>We have decided to proceed with this proposal with no changes to our proposed approach. This means that:</p> <ul style="list-style-type: none"> the normal maximum duration of plan will be four years a plan should be written as a strategic document that is set out over a four-year period we will normally expect to publish information about our judgement about whether a provider has appropriately delivered the commitments in its approved access and participation plan <p>We will publish further guidance on how providers can integrate longer-term interventions into the four-year cycle in Regulatory advice 6.</p> <p>We will update Regulatory notice 21 to include information about our approach to publishing information relating to access and participation plans.</p> <p>We will update our guidance on requesting variations, and our associated assessment process, to ensure that we are sufficiently considering proportionality when advising whether a variation is recommended and how this will be assessed.</p>
<p>Proposal 3 – Format and content of an APP</p>	<p>We have decided to proceed with this proposal with some minor amendments to our proposed approach (these are set out below). This means that:</p> <ul style="list-style-type: none"> a provider’s access and participation plan should include intervention strategies that are linked to named objectives and address the provider’s risks to equality of opportunity. a provider should follow a standard format when writing its access and participation plan that includes introduction and strategic aims, risks to equality of opportunity, objectives, intervention strategies, whole-provider approach, student consultation and provision of information to students. a provider’s plan should not exceed 30 pages. There is no minimum length for an access and participation plan. This page limit would exclude any annexes detailing a provider’s assessment of performance, the accessible

Decision	
	<p>summary, and supporting documents setting out fees, investment, and targets.</p> <p>We have decided to amend Regulatory notice 1 as follows:</p> <ul style="list-style-type: none"> • plan summaries can be produced in a range of formats and providers may have more than one summary if this helps to ensure accessibility. • a provider is expected to submit its plan summary (or summaries) to the OfS 28 days after the approval of its plan. <p>We will publish further guidance about how providers can meet our expectations in relation to intervention strategies in Regulatory advice 6. This will include a glossary and a template for providers to use if they wish.</p> <p>We will also publish guidance on the areas that we expect a provider to cover in a plan summary, including a template for the plan summary for providers to use, if they wish.</p> <p>We want to make sure that summaries are as visible as possible to students. So we will also explore options for publishing them by working with relevant partners.</p>
Proposal 4 – Targets	<p>We have decided to proceed with this proposal with a minor amendments to our proposed approach (this is set out below). This means that:</p> <ul style="list-style-type: none"> • objectives should be translated into numerical targets with measurable outcomes-based milestones set over the duration of a plan. • targets should be captured in a targets and investment plan. <p>We have decided to amend Regulatory notice 1 as follows:</p> <ul style="list-style-type: none"> • we will recognise that targets are an indicator of anticipated progress. For a provider with access to limited data we recognise that targets and milestones will necessarily be ambitious estimates of what it can credibly achieve in relation to reducing identified risks to equality of opportunity. We will take this into account when monitoring the progress a provider has made against such targets. <p>We have decided to publish further guidance on how providers can meet our expectations in Regulatory advice 6.</p> <p>We will also investigate the feasibility of collaborative datasets with the relevant data controllers.</p>
Proposal 5 – Evaluation	<p>We have decided to proceed with this proposal with no changes to our proposed approach. This means that:</p>

Decision	
	<ul style="list-style-type: none"> • a provider will be expected to significantly increase the volume and quality of evaluation across its access and participation activity. • a provider will be expected to supply more information about what it will evaluate and when. • a provider will be expected to set out how and when it intends to publish its evaluation results. <p>We will set out our further details in relation to our expectations in relation to evaluation in Regulatory advice 6.</p> <p>We intend to set up the infrastructure to collect evaluation findings from providers and to rate the type and strength of evidence of these findings to build the evidence base.</p>
Proposal 6 - Investment	<p>We have decided to proceed with this proposal with some minor amendments to our proposed approach (these are set out below). This means that:</p> <ul style="list-style-type: none"> • a provider is expected to include information on how much it is investing in each intervention strategy. • a provider is expected to include information on financial support and research and evaluation investment in the targets and investment plan document. <p>We have decided to amend Regulatory notice 1 to:</p> <ul style="list-style-type: none"> • reinstate the expectation that a provider should include information about its overall investment on access. • set out that a provider will be expected/ to capture information on targets, investment and fees in one document. <p>We will set out our expectations in Regulatory advice 6 about investment reporting.</p>
Proposal 7 – Raising attainment in schools and collaboration	<p>We have decided to proceed with this proposal with some minor amendments to our proposed approach (this is set out below). This means that:</p> <ul style="list-style-type: none"> • there are key sector-level priorities in the EORR that we would expect to be reflected in the majority of access and participation plans. In particular we expect providers to address in their plan the key sector-level priority relating to raising pre-16 attainment in schools. <p>We have decided to amend Regulatory notice 1 to:</p>

Decision	
	<ul style="list-style-type: none"> include the word 'support' in reference to raising pre-16 attainment. This clarifies that providers will contribute to the work that schools undertake in this area. <p>We will include guidance in Regulatory advice 6 to help providers meet our expectations.</p>
Proposal 8 – Assessment process	<p>We have decided to proceed with this proposal with no changes to our proposed approach. This means that:</p> <ul style="list-style-type: none"> the OfS will use the published access and participation data dashboard and other contextual provide data to conduct an analysis of a provider's data, to understand a provider's context during its assessment of a provider's plan <p>We will explore whether and how additional data, such as National Student Survey (NSS) data, might eventually be integrated into the access and participation data dashboard, or an equivalent output, as an additional indicator of possible risks to equality of opportunity.</p>

Implementation of our approach

26. We have revised Regulatory notice 1, which sets out guidance on the preparation of an access and participation plan, to reflect the changes outlined above. We have published alongside this the Equality of Opportunity Risk Register⁴ and the updated access and participation data dashboard.
27. In a letter to accountable officers on the 9 February 2023 we wrote of our intention to ask for expressions of interest from providers in having new access and participation plans assessed this summer. These plans would take effect for the 2024-25 academic year onwards. We wrote that this intention was subject to the outcome of the consultation, but as it addressed some views expressed in the consultation in relation to the timescales we had proposed we were minded to do this. Subsequently around 40 providers have been selected to form the first cohort to submit a plan this summer.
28. Most remaining providers will need to submit new access and participation plans in spring or summer 2024, with these plans taking effect for the 2025-26 academic year onwards.
29. We will shortly be publishing Regulatory advice 6, which provides further guidance on our expectations and the specific content of a plan. Providers in the first cohort will have an opportunity to give feedback on this document.
30. We will hold a series of webinars and telephone surgeries with the first cohort of providers to facilitate an understanding of how to develop a plan that aligns with the new expectations. Providers will then need to develop and submit their plans for assessment over the summer.

⁴ See www.officeforstudents.org.uk/eorr.

Further information for these providers about submission and assessment timelines will be available on the OfS website.

31. We will set out a timetable for future cohorts of providers' to enable them to prepare for submission and assessment in due course.
32. We will produce supplementary guidance and publish it on our website. Any guidance will align with the approach set out in Regulatory notice 1, Regulatory advice 6 and this document, including in relation to:
 - a. Requesting variations to approved plans.
 - b. Further technical guidance, (for example, on submitting plans for assessment).
 - c. Producing accessible plan summaries, including an optional template.
 - d. Student submission guidance and templates.

Overarching themes

33. The consultation asked four open-ended questions related to the proposed approach to regulating equality of opportunity. These were in addition to questions relating to each of the specific proposals.

General questions

Question 19. Do you have any feedback on the whole proposed approach to regulating equality of opportunity in English higher education, including regulation of access and participation plans as described in the draft Regulatory notice 1?

Question 20. Do you foresee any unintended consequences resulting from the approach set out in this consultation? If so, please indicate what you think these are and the reasons for your view.

Question 21. Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

Question 22. Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics

Responses to these questions

34. In response to these questions some respondents made comments regarding the specific proposals (1-8) and where this is the case we have included these comments under the relevant proposal. Respondents also made more general comments in response to these questions. We have considered these general comments along with the overarching themes that we have identified from across the proposals. These are set out below and relate to the following areas:

- a. Timescale for the implementation of any new approach.
- b. Regulatory burden resulting from the proposals.
- c. The request for further guidance in relation to a number of the proposals.
- d. Impact on students' experiences.
- e. Risk of reducing equality of opportunity.
- f. Engagement with the OfS.

35. Some respondents also commented on the consultation process and further detail of the views expressed by respondents and our consideration of these points is set out below.

36. A number of respondents made points or comments that were unrelated to the proposals outlined in the consultation. This document responds only to comments that relate to the proposals in the consultation, or to consequences that may arise from those proposals.

However, we have considered all comments made through the consultation and where we consider that a comment unrelated to this proposal requires a response, we will do so through the appropriate channels.

Timescale for implementation

37. We had proposed that all providers should be expected to submit a new access and participation plan in summer 2023, following the publication of guidance in spring 2023. A significant number of respondents took the view that adopting this timeframe would be likely to result in lower quality access and participation plans, because it would give providers limited time to undertake the development work required to write new plans in line with revised guidance. Some also took the view that this could affect their capacity to deliver meaningful and innovative plans, and it could affect the development of successful partnerships (which respondents thought were likely to take time to develop).
38. A number of respondents suggested that the proposed timeframe would adversely affect their ability to design high quality plans with appropriate levels of stakeholder engagement. This was particularly suggested in relation to the aim to increase and improve the quality of evaluation. Respondents took the view that providers would not be able to design and implement evaluation plans within the proposed time period, given the time they would need to, for example, approve evaluation plans and give their plans suitable ethical consideration.
39. Some respondents also suggested that more information about the timeline would be helpful, including information about the timing of publication for the EORR, the OfS's decisions following consultation and any deadlines for submissions of new access and participation plans. Some respondents suggested that the proposed timeframe for publishing the EORR could mean that they would be unable to adequately resource the development of their access and participation plans, with consequences for the quality of plans.
40. Because the EORR is new and was not, at the time of the consultation, publicly available, some respondents suggested that providers would find it hard to consider the EORR and prepare their plans appropriately.

OfS response

41. We have considered the comments made by respondents in relation to the proposed timescale for the development of new access and participation plans. We agree that offering more time for providers to consider our new guidance and to prepare their plans in partnership with stakeholders, including students, would ensure that providers can prepare their plans, including evaluation strategies, to the standards we expect.
42. Further information about the timescale for the development of future access and participation plans is set out in paragraphs 26-32. This approach will enable providers to take the EORR into consideration and will also ensure that all providers can produce high quality plans.

We have decided that we will take a staggered approach to the implementation of the next cycle of access and participation plans.

This means that we will assess a smaller number of new plans in summer 2023 for 2024-25 onwards. The majority of providers will be expected to submit a new access and participation plan in spring 2024 for 2025-26 onwards.

Regulatory burden

43. A few respondents suggested that, overall, the proposed changes could place regulatory burden disproportionately on smaller providers, particularly in relation to the level of detail expected in a provider's intervention strategies, investment and evaluation. In these instances, respondents suggested that the OfS could consider specifying more limited expectations for smaller providers.
44. A number of respondents suggested that proposals to increase the volume and quality of evaluation could increase burden on smaller providers as they may not have the expertise needed to undertake credible evaluation. Respondents also suggested that an increase in burden would be likely for all providers, because their existing teams do not have the capacity to increase evaluation to the level proposed.
45. Some respondents also commented that the proposed change to a four-year cycle could create more burden for providers irrespective of size, particularly if access and participation plans continue to be aligned with other OfS regulatory cycles, such as for the Teaching Excellence Framework (TEF). It was suggested that resources – including staff – could be stretched by the new proposals.
46. Some respondents also took the view that if the OfS seeks requests for variations in relation to current access and participation plans during the four-year cycle – from an individual provider or more broadly – this would increase regulatory burden.
47. Some respondents expressed views about the proposal that providers should be expected to include information on how much they are investing in each intervention strategy. These respondents suggested that collecting and submitting the additional proposed information could be resource intensive, with additional administrative staff required to deliver this. Some respondents also suggested that the current financial pressures on providers could make it difficult to recruit the additional staff required.
48. Several respondents suggested that the proposal to raise attainment in schools could increase burden. This, it was thought, would likely require many providers to develop additional capabilities and expertise.

OfS response

49. We have considered comments that our proposals would increase regulatory burden, in relation to both smaller and larger providers. We have considered whether it would be appropriate to have a different set of expectations for smaller providers, and whether we are placing undue regulatory burden on all providers or small providers in particular.

50. An English higher education provider is required to have an approved access and participation plan if it is registered in the Approved (fee cap) category of the OfS Register and wishes to charge above the basic tuition fee limit for 'qualifying persons' on 'qualifying courses'. This requirement stems from the Higher Education and Research Act 2017 (HERA) and is reflected in ongoing condition of registration A1. Providers can choose which category to apply to register in, taking into account the differing requirements of each category.
51. For those providers that wish to charge above the basic tuition fee limit, our view is that having a common approach to the features of an access and participation plan reduces burden as it sets clear expectations for all providers that choose to have one.
52. Furthermore, we consider that having a common set of expectations supports our regulatory objectives to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.
53. We set out in our proposals that the focus and extent of activity in an access and participation plan should be considered in relation to a provider's size, context, mission and the nature of the risks that it has identified.⁵ The approach we have decided to take to assess and monitor plans will therefore deliberately take into account the different capabilities and contexts of individual providers. We therefore consider that our approach to assessment and monitoring is appropriate.
54. Our expectations for aspects of an access and participation plan such as (but not limited to) the number of risks and intervention strategies that a provider should set out and the extent of evaluation activity, will take account of the individual context of each provider. As a result, we would not expect providers to be unduly burdened by these changes as our expectations in terms of intervention strategies and level of evaluation will be contextual. We consider, therefore, that the approach we have decided to take is appropriate, including for small providers.
55. We have also considered responses that suggested that our proposals would increase regulatory burden for all providers, irrespective of size, because of the timeline we had proposed for the submission of new access and participation plans. We have decided to take a staggered approach to implementation. This means that we will assess a smaller number of new plans in summer 2023 for 2024-25 onwards. The majority of providers will be expected to submit a new access and participation plan in spring 2024 for 2025-26 onwards. This will allow us to adopt a later timeline for submission and thus providers to have more time to prepare their plans against our new guidance. We have decided to do this because we consider that this will enable providers to submit high quality plans. The majority of providers will be expected to submit a new access and participation plan in spring 2024.
56. For 2020-21 onwards plans we adopted a five-year cycle for access and participation plans, rather than considering all plans every year. This resulted in a significant reduction in regulatory burden for all providers that will substantially continue in the new four-year cycle. In moving from a five to four-year cycle we do not anticipate that it will increase burden as it should reduce the need for any interim measures, such as mass variation requests, and enable

⁵ Paragraph 39, Page 17 at www.officeforstudents.org.uk/publications/consultation-on-a-new-approach-to-regulating-equality-of-opportunity-in-english-higher-education/.

providers to more quickly address key changes in the higher education context and emerging risks to equality of opportunity. However, providers will still be able to make changes to their plans if needed through the normal variations process as set out in Regulatory notice 1.

57. Whilst we seek to minimise burden where possible for providers we remain mindful that we have a general duty in section 2 of HERA to have regard to ‘the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education provider’. We also consider that our expectations are in keeping with the aims of our OfS strategy for 2022-25 which focus on quality and standards and equality of opportunity.⁶
58. We do not agree that the proposals to extend evaluation activity will have the effect only of increasing burden. As we set out in our proposals our view is that the evaluation of interventions is an important mechanism through which the higher education sector can more effectively deliver and tailor support and interventions for students in the future. In identifying more effectively what works through proper evaluation we would expect to see a reduction in the overall burden of delivering access and participation work in subsequent cycles. However, at present there is not a significant body of evidence from which providers can draw. We proposed requiring a provider to increase its evaluation outputs to build this evidence-base, and that all providers should disseminate the results of their evaluations. To facilitate this work we will provide guidance in Regulatory advice 6 both in relation to how to evaluate and how to disseminate, and we will link to existing effective practice. Our view remains that this will, in the medium-term, reduce burden on providers by establishing a robust body of evidence that all providers can use.
59. We have considered comments relating to increased burden as a result of the changes we proposed to reporting of a provider’s financial investment, particularly points about the staff required to undertake such a task. We understand that the estimation of financial expenditure on interventions can sometimes be a labour-intensive task, but in our view this should be part of routine planning that a provider should normally undertake before committing to the delivery of an activity. We will provide further guidance in Regulatory advice 6 on the fees, investments and targets (FIT) document to enable providers to meet this expectation.
60. The new approach which asks providers to include all information relating to fee, investment and targets in one document will decrease the number of separate documents that providers are expected to submit.
61. In addition, while we expect providers to estimate the costs for intervention strategies, we do not expect providers to report expenditure against this in the Annual Financial Return (AFR). This is because we consider that information about planned investment on individual intervention strategies will necessarily be an estimate and we do not see that the burden associated with extra reporting here would demonstrate whether a provider is complying with condition A1 further to the information we already collect.
62. In relation to the regulatory burden that may arise from our proposal that providers address pre-16 attainment in their plans, we note that over 90 per cent of providers are already undertaking work to support raising attainment in schools, and we therefore consider that they

⁶ Available at www.officeforstudents.org.uk/about/our-strategy/.

already have the capacity to undertake this work. We have set out our expectations for the scale of work to raise attainment that a provider may be expected to deliver in our response to comments made regarding proposal 7, and will provide more detailed information about this in Regulatory advice 6. However, as set out in our response to proposal 7, we have decided to revise Regulatory notice 1 to include the word 'support' in reference to raising attainment work to better reflect that a higher education provider's activity will be a contribution to that of schools' to raise pre-16 attainment.

Further guidance

63. Across a number of the proposals some respondents commented that they would like more detailed guidance including for example in relation the number and scale of intervention strategies, the construction of numerical targets and the development of evaluation strategies. They considered that such information would better enable them to meet the OfS's expectations.

OfS response

64. We have considered whether we should adopt a more prescriptive approach to our expectations for access and participation plans. We have decided that this would not be appropriate and that we should retain a more principles-based approach that properly allows a provider to make its own judgements about which strategies it should adopt in its access and participation plan.

65. We have taken this approach because there is significant diversity in the higher education sector, and the imposition of a narrow, rules-based approach would risk stifling diversity and innovation, and could further lead to access and participation plans that are not suitable for a particular provider's context.

66. In taking this decision we have had regard to our general duties and consider our duty to have regard to the need to protect institutional autonomy to be of particular relevance. This is because we consider that a more prescriptive approach would likely place insufficient weight on providers' autonomy.

67. As set out in the draft of Regulatory notice 1 published with the consultation, we proposed that the principal of 'proportionality and targeting' would be relevant in our assessment process, which is designed to take appropriate account of the diversity of the sector. Our expectations of a provider are therefore related to its context and capacity for activity, which in turn is related to the scale of its higher education activities and its risks to equality of opportunity. This means that we do not consider it appropriate to provide the detailed specification of our expectations that some respondents sought.

68. We do, however, agree that all providers would find it helpful to have further information about the strategies that may be appropriate in different circumstances. We have therefore decided that Regulatory advice 6 should provide exemplars to demonstrate our expectations in different contexts. From these, we anticipate that a provider should be able to gauge the extent of our expectation for its particular context. We expect to develop the information we publish to reflect emerging effective practice or to provide further guidance about how a provider could choose to meet our expectations.

Impact on students' experiences

69. Several respondents expressed the view that our proposals may have unintended negative consequences for the overall experience of students. Respondents suggested that the proposals focused principally on issues relating to access rather than success and continuation. A number expressed the view that this perceived shift in emphasis could result either in reduced funding or fewer initiatives to support student success and progression during a course.
70. A small number of respondents thought that there was an unhelpful focus on quantitative data in the assessment of plans and considered that this could lead to aspects of the student experience not being appropriately captured.
71. Some respondents also suggested that aspects of the student experience that relate to equality of opportunity – such as students' experience of sexual harassment on campus – may not be covered by access and participation plans as data on these issues is not included in the OfS access and participation data dashboard.
72. A number of respondents commented that the proposals did not focus enough on equality, diversity and inclusion (ED&I). These respondents suggested that the OfS's approach should focus more on supporting on-course higher education students and offering flexible pathways within higher education.

OfS response

73. We consider that access and participation plans should address the greatest risks to equality of opportunity that are evidenced or anticipated for a provider at any stage of the student lifecycle, including access, on-course success and progression. We also consider that plans should address any priorities that have been highlighted beyond this through the EORR, such as the expectation that most providers contribute to pre-16 raising attainment.
74. The risks that a provider chooses to address will therefore depend on its context: if the biggest risks to equality of opportunity are in the 'on-course' stage and a provider has no, or more limited, risks at the access or success stage, we would expect that provider to develop intervention strategies to address progression for those student groups that have been identified as most at risk.
75. We recognise that risks to equality of opportunity are not limited to those that may be indicated through the access and participation data dashboard or through the risks identified in the EORR, and we would encourage a provider to consider how the experience of its particular students may differ for different groups. While a provider should consider the OfS data dashboard when identifying risk indications and developing objectives and targets, it may also draw from other data sources and may include other risks to equality of opportunity that are not covered by the EORR. These risks may relate to whole student populations (e.g. to student groups not covered by OfS data) or they may be indicators of differences in aspects of the student experience.
76. With particular reference to comments made in relation to sexual harassment on campus, we are currently consulting on a proposed new condition of registration. This would place

requirements on providers to address harassment and sexual misconduct.⁷ We are also planning to develop a survey to collect prevalence data in relation to sexual misconduct.

77. Our key aim in proposing the changes to the regulation of equality of opportunity in higher education is to improve equality of opportunity, and we are pleased to see that many respondents recognised this. We have noted in Regulatory notice 1 that providers should consider all risks to equality of opportunity that it identifies, and this should include an assessment of the risks faced by on-course students throughout their onwards lifecycle. The access and participation data dashboard is constructed in a manner that indicates performance across this lifecycle accordingly.
78. We have also set out in Regulatory notice 1 that providers should consider expanding diverse pathways into higher education, and how to support on-course students to achieve successful participation and good outcomes.

Engagement with the OfS

79. Some respondents suggested that increased engagement between the OfS and providers would be beneficial. Specifically, some thought that providers should have a named relationship manager at the OfS as this would give the OfS a better understanding of the specific context at a provider. It was suggested that this approach would reduce burden on both the OfS and providers.

OfS response

80. We welcome feedback and communication from the providers we regulate and other stakeholders during and outside consultation periods. Further detail on the OfS's plans to engage with providers can be found in a blog by the OfS Chief Executive, Susan Lapworth, published on 26 January 2023.⁸
81. Before the consultation we ran stakeholder engagement meetings with representative bodies from across the sector. We intend to undertake evaluation activity, including gathering feedback from providers, at appropriate points as we implement the reforms. This will give providers further opportunities to engage with the OfS in relation to the development of access and participation plans.
82. In response to the suggestion that the OfS should have a named relationship manager, providers can contact the OfS about regulatory matters through our dedicated regulation line.⁹

Consultation process

83. A number of respondents commented on the consultation process. Some suggested that it followed a short timeframe, which meant they were not able to properly consider the proposals or respond fully. Others suggested that the OfS had not provided sufficient information in the

⁷ See www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-plans-consultation-on-new-condition-of-registration-to-tackle-harassment-and-sexual-misconduct-in-higher-education/.

⁸ See www.officeforstudents.org.uk/news-blog-and-events/blog/refreshing-our-engagement-with-providers/.

⁹ Providers can contact the OfS via regulation@officeforstudents.org.uk or by calling 0117 931 7305.

consultation to enable full consideration of the proposals. Some respondents also suggested that the OfS would not take into account respondents views in finalising the proposals.

OfS response

84. We launched the consultation on 6 October 2022 with a deadline for responses of 10 November 2022, allowing a period of five weeks for responses. We consider that this time period was appropriate as we had undertaken exploration with key stakeholder groups in relation to many of the proposed changes and because the proposals were subject to feedback.
85. In February 2022 we announced refreshed priorities for access and participation plans and set out that we would consult on a new approach to regulating access and participation in English higher education so that providers could submit new plans to cover 2024-25 onwards with these priorities in mind. We also announced that we would be asking all providers to submit variations to their plans. These variations would respond to our new priorities for access and participation and take effect from 2023-24. In April 2022 we published advice providing full details about how providers could do this.
86. In total, 90 per cent of providers with an approved access and participation plan (256 providers) submitted a variation request in response to our invitation (231 providers). This positive response from the sector across the new strategic priorities shows that higher education providers with access and participation plans are aware of and understand the importance of these priorities.¹⁰ The consultation proposals introduced new elements that were not included in the variations advice, but the key changes were, and we received a positive response from the sector. These key changes included the introduction of an accessible summary of plans, asking providers to undertake further activity to support flexible and diverse pathways and to support raising attainment activity, and the expectation that providers would significantly increase the volume and quality of evaluations.
87. Our view is that the consultation proposals were set out in appropriate detail. We provided stakeholders with an opportunity to engage further with us about the proposals through the webinar held on 18 October 2022. We also engaged with representative bodies from across the sector during the consultation period.
88. We have carefully considered the comments made by respondents. We note that in response to the consultation we have made a number of changes in our approach as summarised in Table 2 of this report.

¹⁰ See www.officeforstudents.org.uk/publications/outcomes-report-variations-to-access-and-participation-plans-for-2023-24/.

Proposal 1: Risks to equality of opportunity

What we proposed

89. Proposal 1 set out that a providers' access and participation plan should be focussed on 'risks to equality of opportunity' and that it should have regard to the EORR when it identifies its risks. The details of the proposal were that:

- a. A provider's plan should focus on its own 'risks to equality of opportunity'. A provider should identify its 'risks to equality of opportunity' by conducting an assessment of its performance using the OfS access and participation data dashboard as the primary source of evidence, where possible.
- b. The OfS will publish a sector-wide EORR on our website that will identify a range of risks to equality of opportunity and characteristics of students likely to be affected by such risks.
- c. The EORR will be updated annually and will include information on the risks it identifies, an objective associated with each risk that indicates that it is an OfS equality objective, the students to whom the risk relates and the evidence used to identify the risk, and an assessment of impact.
- d. The OfS will periodically identify mitigations for the risks set out in the EORR beyond the activity that providers undertake in their APPs.
- e. A provider should have regard to the EORR when developing their access and participation plans. However, a provider will not be expected to address all risks in the EORR.
- f. A provider will be expected to address both sector-wide and provider-specific risks as is proportionate to its size, context, mission and the nature of the risks identified and the actual or potential impact of these on its prospective and current students.
- g. A provider will be expected to address both sector-wide and provider-specific risks that are proportionate to the its size, context, mission, nature of the risks identified and the actual or potential impact on current and prospective students.
- h. A provider should identify the greatest risks to equality of opportunity that it will address in its plan by conducting an assessment of its performance. An assessment of performance would involve a provider interrogating its data and other evidence sources to identify current and prospective students who are at greatest risk of not experiencing equality of opportunity
- i. Where a provider's access and participation plan does not address a risk identified in its assessment of performance, the provider should present a clear rationale for the risks on which it is focused.
- j. A provider should include a summary of its assessment of performance at as an annex to its plan.

Questions in relation to Proposal 1

Question 1: To what extent do you agree with our proposals relating to risks to equality of opportunity? Please provide an explanation for your answer.

Question 2. If you consider our approach should differ, please explain how and the reasons for your view.

Responses to Proposal 1

90. There was strong support for this proposal, with four fifths of respondents tending to agree or strongly agreeing. Less than one fifth of respondents disagreed to some extent. A small number of respondents did not know or preferred not to say.
91. We have carefully considered all comments made in relation to this specific proposal. The main comments made were in relation to:
- a. The methodology for development and format of the EORR.
 - b. The implementation and ongoing use of the EORR.
 - c. The impact on small groups of students.
92. Respondents also made comments about regulatory burden and requested further guidance to understand the OfS's expectations. These comments are addressed in the 'Overarching themes' section.

Methodology and format of the EORR

93. Some respondents suggested that the EORR would provide a useful lens through which providers can consider their access and participation plans given the scale, complexity and multifaceted nature of issues that underpin educational inequalities. However, some respondents suggested that a risk-based approach holds an inherent danger as certain risks, groups, and/or challenges may not be adequately addressed across providers' access and participation plans. It was suggested that early engagement between the OfS and providers to support the drafting of the register would help to minimise this danger. We understand that this was suggested in order to allow providers sufficient time to explore how particular risks might relate to their own students, and develop approaches to including these areas as a focus in their plans.
94. A number of respondents requested further information about the EORR, including in relation to the underlying methodology, information on the definition and measurement of risk and how providers could use the EORR to develop provider-specific targets.

OfS response

95. We consider that the strong support for this proposal suggests agreement with our rationale that there are sector-wide risks to equality of opportunity that should be addressed within access and participation plans. As a result we have now published the EORR and associated

information about its development at www.officeforstudents.org.uk/eorr/. This includes information about the underlying methodology and terminology used.

96. The EORR has been informed by evidence from and engagement with relevant stakeholders. In November 2022 we issued a call for evidence¹¹ that enabled anyone with an interest to submit evidence to the Centre for Transforming Access and Student Outcomes (TASO) and inform their rapid evidence review. The purpose of this review was to identify key risks to equality of opportunity in higher education and inform the development of the register.
97. We used the TASO rapid evidence review report,¹² alongside both the underlying evidence submitted to TASO and the OfS and other national datasets, to identify a set of overarching risks to equality of opportunity.
98. The EORR is a digital document, but we have also considered how best to make it available in other formats where appropriate.

Implementation and ongoing use of the EORR

99. Some respondents asked for information on how the EORR was to be used to inform the development of access and participation plans and how it could be used to by providers in delivering their plans. Some also proposed that more detailed guidance on how smaller providers should use the EORR would be beneficial.
100. Some respondents commented on the timescale for using the EORR to inform the development of access and participation plans given that, at the time of the consultation, it had not been published. Others suggested that a draft or early release of EORR would allow providers to conduct their own assessment of performance in related risks and to develop access and participation plans.
101. Some respondents questioned how the proposed four-year cycle of access and participation plans relates to the annual update of the EORR, and specifically whether providers would be expected to accommodate annual updates to the EORR in their plans.

OfS response

102. We will include information in our Regulatory advice 6 guidance that helps providers and their students use the EORR as an effective tool for understanding and identifying risks, and potential indications of those risks.
103. This guidance will detail how a provider may use the EORR to inform its assessment of performance, with exemplars to illustrate how this may differ according to the size and context of a provider.
104. As detailed in Regulatory notice 1, where student numbers are small or suppressed on the access and participation data dashboard, we would not expect the same level of detailed analysis, particularly for disaggregated or intersectional data. We would, however, expect a

¹¹ See www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/equality-of-opportunity-risk-register/.

¹² This report will be published on the OfS website.

provider to consider the EORR and how it can contribute to mitigating sector-level risks to equality of opportunity, given its local context, student population and mission. Further guidance on this will be set out in Regulatory advice 6.

105. Regulatory advice 6 will also provide guidance on how providers may effectively use the EORR in a way that recognises the intersectionality of risks that many student groups face.
106. We will include guidance in Regulatory advice 6 that will outline how a provider can use the EORR throughout the duration of its plan to understand and anticipate emerging risks more effectively. Where a provider may wish to make changes to its plan, or other evidence, they can submit a variation request, as set out in Regulatory notice 1.
107. We have sought to address concerns around timescales for implementing the EORR and submitting access and participation plans. For more information see paragraphs 26-32.
108. We plan to update the access and participation data dashboard annually.¹³ This also provides information about how a provider is performing against particular indicators for certain student groups across the student lifecycle.
109. While we plan to routinely update the EORR, we would not normally expect a provider to amend its plan until it is due for renewal, unless it wished itself to make substantive changes to the plan as a result of new evidence and information. Rather, we would expect the provider to consider the most recent EORR in the development of any future plan. The EORR is designed to be a useful tool for providers and to help them understand the wider context and evidence underpinning equality of opportunity.
110. At each plan inception point, a provider should demonstrate that it has captured, and plans to address, its greatest risks to equality of opportunity. If it can demonstrate that intervention strategies are working and having their intended impact, we would envisage that this activity would become integrated 'business as usual'. The focus of the future plans would avoid the proliferation of activity by addressing any more pressing concerns.

Impact on small groups of students

111. In the consultation we set out that providers would be expected to use the EORR in order to identify the greatest risks to equality of opportunity. A number of respondents highlighted that this approach may lead to certain groups of students, particularly those where numbers are small, being left out of access and participation plans.
112. Several respondents felt that the proposals required a clearer focus on ensuring that under-represented groups continue to have a targeted approach for risk to equality of opportunity measures and that there is recognition of existing commitments in this regard.
113. A few respondents thought that the use of the term 'at risk' to define student groups may result in unintended negative consequences for the students themselves.

¹³ See www.officeforstudents.org.uk/data-and-analysis/access-and-participation-data-dashboard/.

OfS response

114. Our proposal set out that providers should be asked to conduct an assessment of its performance using the OfS access and participation data dashboard as the primary source of evidence. As a result of the consultation feedback, we have amended Regulatory notice 1 to clarify that a provider is expected to begin its assessment of performance by considering the student groups and lifecycle stages covered by the OfS access and participation data dashboard. This will avoid any particular groups that are captured there being omitted from a providers' consideration of risk.
115. We recognise that not all student groups are included in the access and participation data dashboard. We therefore expect providers to also consider the EORR, which sets out risks associated with some other student groups, and to use other sources of information and data to judge whether or not they should be capturing and addressing the risks to such groups in their own plan. Providers will only need to include relevant sections of this assessment and any associated analysis that is undertaken as it relates to their access and participation plan.
116. It is a provider's responsibility to determine what the greatest risks to equality of opportunity are that it can address. We expect providers to fully take into consideration the risks faced by the full range of, including smaller, student groups.
117. Where a provider has existing commitments to students that no longer fit the focus of the plan it should ensure that these are delivered in full. It should consider whether these should be simply part of its business as usual arrangements to ensure a high quality experience and outcomes for its students.
118. In order to take a risk-based and proportionate approach to our regulation for the promotion of equality of opportunity, our proposals set out that we expect providers to focus on the greatest risks relevant to them and that they can contribute to addressing. Notwithstanding this approach, we expect that a provider will continue to understand, anticipate and address the needs of its students as part of adequate and effective management and governance arrangements. In doing so, a provider must also have regard to equality of opportunity, as stipulated in the Equality Act 2010.¹⁴ As such, we would not expect that as a result of focusing its plan on the greatest risks to equality of opportunity that a provider should neglect the needs of students not captured by its plan.
119. We will closely monitor and evaluate coverage of student groups across access and participation plans. Where we see any concerning patterns, such as the consistent omission or de-prioritisation of particular student groups for inclusion within access and participation plans, we will seek to take corrective action by bringing this to the attention of the next provider cohort due to submit plans. We will closely review whether this sufficiently addresses any such concerns across the sector. Providers are also expected to monitor their own performance across all student groups, and should submit a variation if they wish to make changes to their plan.
120. We will encourage providers to consider how to frame access and participation initiatives in a manner that does not 'label' groups. For example, providers may wish to consider using

¹⁴ See <https://www.legislation.gov.uk/ukpga/2010/15/contents> and <https://www.gov.uk/government/publications/public-sector-equality-duty>.

terms other than 'at risk' to define a student group. Groups of students may be experiencing a risk to equality of opportunity, but this does not necessarily mean that the group is 'a risk' or 'at risk'.

Impact of the EORR

121. One respondent commented that as the EORR will be a public-facing document, there is potential for it to be used negatively as it will not show how the sector is responding to these risks.

OfS response

122. We consider that our decision to publish the EORR is in line with our general duties, as set out in HERA, to adopt the principles of best regulatory practice. This includes the principles that regulatory activities should be transparent, accountable, proportionate and consistent.

123. In considering this response, we have also had particular regard to Schedule 1, paragraph 21 of HERA, which extends the Equality Act 2010, and therefore the public sector equality duty, to the OfS. This requires the OfS to have due regard to eliminating unlawful discrimination, to foster good relations between different groups and to take steps to advance equality of opportunity. It is incumbent on the OfS as a regulator, as well as providers under the public sector equality duty, to ensure that they are promoting equality of opportunity by actively identifying where these risks are and explaining actions that are being taken to address them.

124. Our equality of opportunity annual report will reflect any key progress that has been made in identifying or addressing risks as well as on future risk.

Decision

We have decided to proceed with this proposal with some minor amendments to our proposed approach (these are set out below). This means that:

- a provider's access and participation plan should be focused on 'risks to equality of opportunity'.
- a provider should have regard to the OfS Equality of Opportunity Risk Register (EORR) when identifying its risks to equality of opportunity

We have decided to amend Regulatory notice 1 to say:

- a provider is expected to begin its assessment of performance by considering the student groups and lifecycle stages covered by the OfS access and participation data dashboard as well as for any particular student groups highlighted by the EORR.
- that while the EORR will be routinely updated, we would not normally expect providers to amend their plan to take account of emerging risks to equality of opportunity until it is due to submit a new plan, unless it wishes to make a variation.

We will publish further guidance about how providers can meet our expectations and make most effective use of the EORR in informing their access and participation plans in Regulatory advice 6.

Proposal 2: Four-year plan duration and publication of information about a provider's delivery of a plan

What we proposed

125. In summary, Proposal 2 set out that access and participation plans should be strategic documents that cover a four-year period, rather than the previous five years. It also proposed that the OfS may publish information about, or judgement on, whether a provider has appropriately delivered the commitments in its approved access and participation plan. The details of the proposal were that:
- a. The normal maximum duration of a plan would be four years in total, with a plan initially approved for one year. Approval would then automatically roll over for each subsequent year for a maximum of three years, unless the OfS notifies a provider in writing that a new plan is needed.
 - b. A provider's plan should be set out over a four-year period. The letter notifying a provider that its plan has been approved would also set out the length of the approved roll-over period for that plan. The OfS would not normally expect to ask a provider for a new four-year access and participation plan within the first two years after submission.
 - c. The OfS should normally expect to publish details of our judgement about whether a provider has appropriately delivered the commitments in its approved access and participation plan.

Questions in relation to Proposal 2

Question 3. To what extent do you agree with our proposals relating to a four-year plan duration and publication of information about a provider's delivery of a plan? Please provide an explanation for your answer.

Question 4. If you consider our approach should differ, please explain how and the reasons for your view.

Responses to Proposal 2

126. There was strong support for this proposal, with seven out of ten respondents either tending to agree or strongly agreeing. By organisation type, agreement levels were highest among student representative bodies (100 per cent) and sector representative bodies (90 per cent). Just over a fifth of respondents tended to disagree or strongly disagreed. A small number of respondents did not know or preferred not to say.
127. We have carefully considered all the points made about this specific proposal. The main comments made were in relation to:
- a. The monitoring of access and participation plans.

- b. The publication of information by the OfS.
- c. The duration of access and participation plans.
- d. Requests from the OfS for providers to submit variations to approved access and participation plans.

128. Respondents made comments relating to regulatory burden and requested further guidance in order to understand the OfS's expectations. These comments are addressed in the 'Overarching themes' section. Respondents also commented on the assessment of plans and these comments are considered under Proposal 8.

Monitoring of plans

129. Respondents expressed a range of views in relation to the OfS's monitoring of access and participation plans.

130. A number of respondents wanted more information on the OfS's approach to monitoring; some respondents were unclear as to whether the OfS still intends to monitor plans on an annual basis.

131. Other respondents welcomed the OfS's risk-based approach and in particular the change from requiring annual monitoring returns. Some respondents commented that the annual monitoring returns were helpful to encourage providers to regularly review their performance against their objectives.

132. One respondent suggested that the OfS should undertake at least one visit to the provider during the cycle of an access and participation plan to provide an opportunity for a richer discussion about the ambition, approach and progress being made at each provider.

OfS response

133. We set out information regarding our current plans for monitoring access and participation in the letter sent to accountable officers on 9 February.¹⁵ In the future we intend to continue to monitor plans on an annual basis, and will take a similar approach to the 2020-21 monitoring cycle. We aim to ensure that our approach is increasingly risk-based and to reduce burden for providers that do not represent increased risk. We will normally expect to adopt a desk-based monitoring exercise, considering a range of data sources unless we require further information from a provider to explain its progress where we lack sufficient information. We have set out in Regulatory notice 1 our expectations for providers to have adequate and effective arrangements for monitoring and overseeing the delivery of the provisions of its access and participation plan.

134. We will normally publish guidance on our approach to the monitoring of access and participation plans annually. This guidance will align with the principles detailed in Regulatory notice 1. This is because we consider it appropriate to retain the ability to adapt the focus and approach to monitoring providers' delivery of plans in line with the changing nature of risks in

¹⁵ See www.officeforstudents.org.uk/publications/new-approach-to-regulating-equality-of-opportunity-update/.

this area – including sector-wide risks, or risks to particular student groups as well as in light of other regulatory intelligence that we hold.

135. Condition A1 of our regulatory framework requires providers to take all reasonable steps to comply with the provisions of their plan. These apply regardless of the information that providers are required to submit to the OfS as part of monitoring of access and participation plans, and providers will need to meet requirements in this regard even in the absence of annual monitoring returns.
136. We consider that conducting visits to all providers would not be in-keeping with our proportionate, risk-based approach to regulation. We may from time to time arrange provider visits as appropriate, for example, to get a better understanding of practices in providers and to develop our effective practice advice.

Publication of information

137. A number of respondents either disagreed with the OfS's proposals to publish information on a provider's delivery of its plan, or emphasised that providers should be able to respond to and act on the OfS's comments before publication to ensure that context and circumstance can be understood. Some respondents suggested that publishing information may lead to comparison with others, and posed a potential risk to a provider's reputation. A few respondents also suggested that if the OfS publishes information, it should also include any provider-specific contextual information to explain why targets have not been met.
138. A small number of respondents suggested that publishing information on missed targets may deter providers from developing ambitious and innovative interventions.
139. However, a number of respondents expressed support for this proposal. They took the view that the OfS should publish information where appropriate in order to hold providers to account. These respondents also said that the public and students should have access to this information.

OfS response

140. We have considered the varied responses to this question, and agree with those respondents who suggest that publication of information is an appropriate regulatory tool that the OfS may use.
141. The OfS has powers to publish notices, decisions and reports in the performance of our functions (as set out in sections 67A to 67C HERA). Without making findings in respect of a provider's compliance with condition A1, we may decide to publish information about our views on whether a provider has properly delivered the commitments in its approved access and participation plan. We would have regard to the factors set out in Regulatory advice 21 in making such a publication decision and, if a final decision is made to publish information, the OfS would normally expect to include a statement to make clear that it had not made any findings about a provider's compliance with conditions of registration where that is the case.
142. We take the view that our approach to publishing information about our views about whether a provider has properly delivered the commitments in its approved access and participation plan will provide appropriate incentives for all providers to satisfy our expectations

for the delivery of their plans. We consider that publication would be in the interests of current and future students, the public, and providers that do meet our expectations. We will however consider each case on a case-by-case basis.

143. 'Regulatory advice 21: Publication of information' sets out the approach the OfS will take to the publication of information about a provider. Paragraph 15 of that document states that 'we will seek representations from a provider before making a final decision to publish information where we consider that it is appropriate to do so and in a manner we consider appropriate'. We would take the same approach in relation to any publication of information relating to delivery of an access and participation plan.
144. We will amend Regulatory advice 21 to include the approach we would take to publishing information relating to access and participation plans.
145. In relation to the comment made by some respondents that publishing information on missed targets may deter providers from developing ambitious and innovative interventions, we consider that this demonstrates the importance of our focus on ensuring that plans are credible, as well as ambitious, at the point of assessment and approval. Our aim to improve the volume and quality of evaluation is explicitly designed to acknowledge that some interventions may work better than others and that there is value in sharing information across the sector about what works and what does not. As such, missed targets with a reasonable explanation of why interventions may not have worked, even where the design of them has been based on the best available evidence, are extremely valuable.

Four-year plan duration

146. A small number of respondents took the view that the four-year duration might reduce a providers' ability to act with autonomy, for example if a provider identifies a need to change the direction of its strategy or interventions. In addition, a number of respondents suggested that an annual update to the plan should be allowed in order to facilitate stability, institutional buy-in and opportunities for long-term planning. We understand this to mean that an access and participation plan should remain sufficiently agile as to enable providers to develop and capture their evolving approaches to identifying and addressing risks to equality of opportunity.
147. Others said that a four-year plan may encourage providers to focus on older school students and could detract from providers engaging with earlier school years as such interventions might not be possible to evaluate within the short four-year time span.
148. One respondent suggested that a longer plan would allow for a greater number of undergraduate cohorts to complete studies and impact to be evaluated.

OfS response

149. We have carefully considered comments made by respondents in relation to the need for providers to update their plans, including the suggestion that an annual update would be beneficial.
150. We consider that four-year plans will facilitate strategic planning and development of relationships with relevant stakeholders while ensuring that emerging risks and new priorities can be addressed in a timely manner. This is because Regulatory notice 1 sets out that the

OfS allows a provider to request a change to its plan at any point following its approval. We consider that this approach provides appropriate flexibility to enable providers to respond to changes.

151. We will seek to improve our guidance on requesting variations, and our associated assessment process, to ensure that we are sufficiently considering proportionality when advising whether a variation is recommended and how this will be assessed.
152. We will routinely update the EORR and we will normally update the access and participation data dashboard on an annual basis. Where possible, we will align these releases to facilitate providers making a timely variation request should a provider wish to do so.
153. We recognise that providers may want to integrate long-term planning into access and participation plans, and we welcome this approach. We will include guidance in Regulatory advice 6 to detail how a provider may integrate long-term interventions into the four-year cycle, including information on how to evaluate this.

Variation requests from the OfS

154. A small number of respondents made comments about variation requests that could arise from the OfS. Respondents suggested that variation requests from the OfS raised additional burden, and should not be made in the duration of an approved plan even where there is a need to address emerging issues.

OfS response

155. We consider that it is appropriate for the OfS to be able to invite providers to vary their plans in response to significant issues at both a provider and sector level. This is because alongside long-term risks to equality of opportunity there may be a time where a critical risk to equality of opportunity emerges that needs to be addressed before the end of a four-year plan. As set out in Regulatory notice 1, if such a situation arises, the OfS will give providers at least 12 weeks' notice to submit a variation request.
156. In taking this view we have considered our general duties and consider general duty (e) – the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers – to be of particular relevance.
157. However, as set out in the overarching themes section we have decided that we will take a staggered approach to the implementation of the next cycle of access and participation plans. We aim to achieve a smoother profile of plan assessments across a rolling cycle in future. We consider that this will enable us to introduce revised guidance at the next practicable point for providers to address new or emerging risks, thereby minimising the need for wholesale variation requests in-cycle.

Decision

We have decided to proceed with this proposal with no changes to our proposed approach. This means that:

- the normal maximum duration of plan will be four years
- a plan should be written as a strategic document that is set out over a four-year period
- we will normally expect to publish information about our judgement about whether a provider has appropriately delivered the commitments in its approved access and participation plan

We will publish further guidance on how providers can integrate longer-term interventions into the four-year cycle in Regulatory advice 6.

We will update Regulatory notice 21 to include information about our approach to publishing information relating to access and participation plans.

We will update our guidance on requesting variations, and our associated assessment process, to ensure that we are sufficiently considering proportionality when advising whether a variation is recommended and how this will be assessed.

Proposal 3: Format and content of an access and participation plan

What we proposed

158. Proposal 3 set out that a provider's access and participation plan should follow a standard format and should include intervention strategies that are linked to named objectives and address the providers risks to equality of opportunity. It also proposed that an access and participation plan should not exceed 30 pages and described plans to introduce an accessible summary. The details of the proposal were that:

- a. Providers should produce an accessible summary of their plans that will concisely set out what the plan is, summarising the provider context and the main focus areas of the access and participation plan. This summary should not exceed three pages. The summary should also cover the fees charged by the provider, the financial support available for students and information on the eligibility criteria and how this is made available to students. Providers should also include a summary of intervention strategies and evaluation plans, and should set out how students can participate in the planning, monitoring, evaluation and delivery of access and participation work. Plan summaries should include contact details for the provider, and a link to the complete access and participation plan.
- b. Providers should include in their access and participation plans details of intervention strategies for each of the objectives that it identifies. Intervention strategies should take a whole-provider approach, and should contain information on:
 - the interventions that will be put in place to achieve the objective(s)
 - the evidence used to underpin the interventions' design
 - the theory of change including relevant outputs and outcomes
 - financial commitments needed to deliver the interventions
 - how outcomes will be monitored and evaluated, including details of how a provider will share and publish evaluation outcomes.
- c. There should be a standard structure for access and participation plans that makes them clearer and easier to understand. Plans should include:
 - introduction and strategic aim
 - risks to equality of opportunity
 - objectives
 - intervention strategies and expected outcomes
 - targets

- whole provider approach
 - student consultation
 - evaluation
 - investment
 - provision of information to students
 - Annex A: Assessment of performance.
- d. Providers should include the following supporting documents with their plan:
- accessible plan summary
 - targets and investment plan
 - fee information document
 - student submission (optional).
- e. Access and participation plans should not exceed 30 pages (excluding annexes and the plan summary).
- f. We will continue to provide a template for access and participation plans which we would encourage providers to use. We will also supply a template to be used for each intervention strategy centred around a theory of change.

Questions in relation to Proposal 3

Question 5: To what extent do you agree with our proposals related to the format and content of an APP? Please provide an explanation for your answer.

Question 6. If you consider our approach should differ, please explain how and the reasons for your view.

Responses to Proposal 3

159. There was strong support for this proposal, with over 75 per cent of respondents expressing support. 12 per cent of respondents disagreed to some extent with the proposal. The remaining respondents did not know or preferred not to say.
160. We have carefully considered all the points made in relation to this specific proposal. The main comments made were in relation to:
- a. The access and participation plan summary where respondents expressed a range of views including in relation to the length and format of the plan summary.
 - b. The proposal that plans should set out providers' intervention strategies.

- c. Flexibility in the format of access and participation plans to give providers greater scope for creativity and autonomy.
- d. The proposed page limit of 30 pages for access and participation plans.

161. Respondents made comments in relation to regulatory burden and these comments are addressed in the 'Overarching themes' section. Comments made by respondents regarding the level of detail on targets and evaluation expected in intervention strategies have been included under Proposals 4 and 5.

Accessible plan summary

162. Respondents expressed a range of views about the proposal for access and participation plan summaries.

163. Most respondents supported the proposal that access and participation plans should include an accessible summary. Those in support suggested that doing so was likely to improve efforts in the area of social mobility and accessibility and would enable stakeholders (including students) to understand providers' strategic plans. Respondents also considered that the public-facing summary documents would demonstrate the wide-ranging commitment of providers to improve social mobility. Some respondents commented that the proposal for plan summaries to include information related to the financial support available to students and eligibility criteria was particularly welcomed. We understand this to mean that these respondents consider that improved visibility of information to support student choice, including clear information about financial support that would be available to them, may inform students' decisions on where to apply, and encourage them to apply to a wider range of providers or for a wider range of subjects than they would otherwise pursue.

164. Some respondents suggested that the proposal would lead to higher levels of transparency, particularly as the summary is public-facing and that the format would support better engagement between providers and stakeholders, including students. However some respondents questioned whether students would engage with the plan summary, while others were unsure of how the summary would be made available to the public. A few respondents suggested that the OfS could improve the visibility and value of access and participation plans by directly sending the plan to students.

165. One quarter of those commenting considered that the proposal that providers should follow a standard format for the summary was highly beneficial. The reasons given for this were that it would help to maintain clarity and consistency, which in turn would allow for easy comparison across providers. We understand this to mean that this information could be used by prospective students to, for example, compare levels of financial support that would be available to them. Some respondents said that producing an accessible summary for the variations process was straight forward.

166. However, a number of providers suggested that the OfS template for the summary was not necessarily 'accessible', and instead suggested that the OfS should allow different languages and formats such as video and audio. Some respondents also queried whether they could develop a number of accessible summaries tailored for different accessibility needs.

167. A small number of respondents suggested that the three-page limit for the plan summary was too short and that it should be slightly longer at four-to-five pages to incorporate sufficient detail.

OfS response

168. Having considered the points made by respondents in relation to the accessible summary we have decided to amend Regulatory notice 1 to enable providers to develop plan summaries in a range of formats and media. We have made this change because:

- a. We agree with the responses that highlighted that the use of other formats would make the plan summaries more accessible to students.
- b. We consider that retaining core content in the summary (as set out in our guidance) will enable students and other interested parties to understand and compare the provisions that providers' are making available to them, including financial support.
- c. A more flexible way of presenting summaries will mean that providers can adapt them more easily to their context, including their broader strategic goals and missions. We consider that this may be of interest to students and other key stakeholders.
- d. We have considered our general duties and consider the following general duties to be of particular relevance:

General duty (b) – the need to promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers. We consider that enabling providers to publish access and participation plan summaries in different formats promotes opportunities for students in a better way.

General duty (e) – the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers. We consider that enabling providers to publish access and participation plan summaries in different formats is a better way of promoting equality of opportunity as it will enhance the way providers engage with students.

- e. We consider that enabling providers to use different formats for their access and participation plan summaries is in keeping with the OfS's and providers' public sector equality duty because it encourages providers to consider how they can ensure its plan summary is accessible to those students with protected characteristics.

169. To give providers more time to create the plan summary in the format that they consider most accessible to students we have decided to remove the expectation that providers submit the plan summary for assessment by the OfS at the same time as the plan. We have amended Regulatory notice 1 to set out that a provider is expected to submit its plan summary to the OfS 28 days after the approval of its plan.

170. In relation to the suggestion that the OfS should have a direct role in providing students with provider's access and participation plan summaries, the OfS does not consider this to be appropriate. This is because:

- a. The OfS does not have access to the contact details for students or prospective students and would therefore not be in a position to contact students directly.
- b. Having regard to our general duties we consider that it would not represent the efficient and effective use of OfS resources to undertake this activity (general duty f).
- c. Our view is that providers are best placed to engage with students in relation to their access and participation plan. Although Regulatory notice 1 sets the expectation for a provider to produce an accessible plan summary, it does not preclude the provider from further engagement with students or prospective students in relation to its plan.
- d. The Higher Education (Access and Participation Plans) (England) Regulations 2018 require a provider to publish its approved plan in a manner which makes it conveniently accessible to students and prospective students.

171. As set out in the OfS's regulatory framework, the OfS Register will include a link to a provider's approved access and participation plan where a plan is in place. While we do not consider that we should have a role in directly delivering information about a providers' plan to prospective students, we will explore with key partners how to maximise students' awareness of and access to provider's plans.

172. To ensure that access and participation plan summaries contain a consistent set of information, we will publish further guidance that sets out our expectations.

173. To ensure that the plan summaries are an effective tool for students and their advisers, we will undertake user-testing with key stakeholders, such as students and advisers. This will explore the accessibility and placement of plans and the length of the accessible summary. We will use our findings to develop our guidance.

Intervention strategies

174. Some respondents requested further information about the OfS's expectations in relation to intervention strategies, including what activities could be classed as an intervention, the level of detail expected, whether the context of an intervention should be included so a judgement can be made with regards to its replicability, and how 'success' would be defined. Some respondents expressed confusion over the terminology used, particularly 'intervention strategy', 'activity' and 'intervention'.

175. A few respondents asked for information about the number of intervention strategies and targets that the OfS would expect to see in an access and participation plan, and how these may differ depending on provider size and context. It was also suggested that some providers may need more individual guidance, for example where they have undergone mergers.

OfS response

176. Our proposal included a definition and description of what we expect to see in an intervention strategy. However, having considered the points made by respondents we will set out in Regulatory advice 6 further information about intervention strategies along with information on how a provider may develop a credible strategy. This guidance will cover how the intervention strategy links to risks to equality of opportunity, how we expect targets to be

set and, what type of activities we may expect within an intervention strategy, and how a provider should evidence and evaluate this. Regulatory advice 6 will also set out exemplars for different provider contexts and include a glossary of key terms.

177. We will also publish a template that providers may use to support the development of its intervention strategies. The use of this template is optional, but it has been designed to demonstrate the level of detail that we may reasonably expect to see.
178. We consider that the level of detail, number and range of interventions that a provider should include in its plan are up to the provider itself. We would expect sufficient detail to enable us to assess the intervention strategy's credibility, but how a provider does this will be context-specific. It will depend on the expertise, internal resources and specific risk to opportunity or indication of that risk that the strategy addresses. We consider that this approach reflects our general duty to have regard for the need to protect institutional autonomy.
179. We also expect providers to set out in their access and participation plan their own view of what success looks like in relation to addressing the risks as identified through the relevant data sources. They can describe this in the overall objectives, targets or other commitments of their plan. However, we would expect a provider to be ambitious in the targets that it sets itself. We set out in the consultation the importance of building sector knowledge around what works and what does not in addressing particular risks. If a provider publishes an insightful evaluation of its activity, this might, therefore, be considered a success. We consider that this approach reflects our general duty to have regard for the need to protect institutional autonomy. It means providers can determine their own targets that take account of their specific context.

Format of access and participation plans

180. A small number of respondents suggested that allowing flexibility within the structure of the access and participation plan would allow providers to have greater creativity and autonomy.

OfS response

181. Our view is that there should be a standard format to access and participation plans. This is because we consider that having a standard format will:
- a. Enable key stakeholders such as students to easily navigate plans.
 - b. Enable us to tailor guidance and support for providers.
 - c. Enable the OfS to undertake consistent, fair and efficient assessment of plans.
 - d. Support providers to set out the information they are expected to include with an access and participation plan.
182. We have also considered our general duties. In our view the following are particularly relevant:

General duty (a) the need to protect the institutional autonomy of English higher education providers. This is because within the format and structure expected by the OfS, providers

are able to determine the content of their access and participation plan, taking into account their individual context.

General duty (f) – the need to use the OfS’s resources in an efficient, effective and economic way). We consider that having a standard format will enable the OfS to assess plans more efficiently and effectively than if providers were able to submit plans in different formats.

General duty (g) – so far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be transparent, accountable, proportionate and consistent, and targeted only at cases in which action is needed. We consider that having a standard format will enable the OfS to be transparent and consistent in its assessment of providers’ plans.

Plan page limits

183. Of those who commented on the proposed page limits for plans and executive summaries, the majority felt that the proposals were appropriate. However, a small number suggested that 30 pages was too long, noting that a shorter length (of 20 to 25 pages) would increase accessibility and reduce administrative burden for small providers.

OfS response

184. We have decided to proceed with our proposal to increase the page limit from 20 to 30 pages. This recognises that providers may wish to include further information on intervention strategies and how they will be evaluated. We have decided to proceed because:

- a. We consider that without a page limit there is a risk that providers include extraneous information. This would have the overall effect of creating additional burden on providers and the OfS.
- b. A provider may submit a shorter plan if it considers the detail provided to be sufficient to meet the requirements set out in Regulatory notice 1.

Decision

We have decided to proceed with this proposal with some minor amendments to our proposed approach (these are set out below). This means that:

- a provider’s access and participation plan should include intervention strategies that are linked to named objectives and address the provider’s risks to equality of opportunity.
- a provider should follow a standard format when writing its access and participation plan that includes introduction and strategic aims, risks to equality of opportunity, objectives, intervention strategies, whole-provider approach, student consultation and provision of information to students.

- a provider's plan should not exceed 30 pages. There is no minimum length for an access and participation plan. This page limit would exclude any annexes detailing a provider's assessment of performance, the accessible summary, and supporting documents setting out fees, investment, and targets.

We have decided to amend Regulatory notice 1 as follows:

- plan summaries can be produced in a range of formats and providers may have more than one summary if this helps to ensure accessibility.
- a provider is expected to submit its plan summary (or summaries) to the OfS 28 days after the approval of its plan.

We will publish further guidance about how providers can meet our expectations in relation to intervention strategies in Regulatory advice 6. This will include a glossary and a template for providers to use if they wish.

We will also publish guidance on the areas that we expect a provider to cover in a plan summary, including a template for the plan summary for providers to use, if they wish.

We want to make sure that summaries are as visible as possible to students. So we will also explore options for publishing them by working with relevant partners.

Proposal 4: Targets

What we proposed

185. In summary, Proposal 4 set out that providers should have objectives that are translated into numerical targets with measurable outcomes-based milestones, set over the duration of a plan. The proposal further noted that these targets should be captured in a targets and investment plan. The details of the proposal were that:

- a. Providers are expected to have targets that correspond to objectives. A provider should translate its objectives into associated numerical outcomes-based targets in the targets and investment plan.
- b. Where possible, targets should be measurable using the OfS access and participation data dashboard. Where this is not possible we would expect providers to set measurable targets based on intermediate outcomes associated with their intervention strategies.
- c. Numerical outcomes-based targets are expected to be based on interventions and outcomes relating to the principal areas of the student lifecycle (access, continuation, completion and progression) , to strategic partnerships in order to raise attainment with schools, collaborative targets across different types of providers, or regional or geographical target which may relate to promoting equality of opportunity for underrepresented groups nationally.
- d. Targets should be stretching, outcomes-based, measurable on a consistent basis (using baseline data where possible) and set over a maximum of four years. Targets should also include annual or interim milestones that can be used to monitor progress.

Questions in relation to Proposal 4

Question 7. To what extent do you agree with our proposals related to targets? Please provide an explanation for your answer.

Question 8. If you consider our approach should differ, please explain how and the reason for your answer

Responses to Proposal 4

186. There was strong support for this proposal, with over three-quarters of respondents expressing agreement to some extent. Less than a fifth of respondents disagreed to some extent, with 6 per cent preferring not to say or not knowing the answer.

187. We have carefully considered all the points made about the proposal. The main comments made concerned:

- a. Setting of numerical targets, where respondents expressed a range of views, including the difficulties of using small datasets and the role qualitative information.

b. The datasets used to inform targets.

188. Respondents also requested further guidance about the OfS's expectations. These comments are considered in the 'Overarching themes' section. Comments made about targets for raising attainment in schools have been considered in Proposal 7.

Setting numerical targets

189. Respondents expressed a range of views in relation to the OfS's proposal for access and participation plans to include numerical targets.

190. Some requested further information about the expected size and scale of targets, how the OfS would monitor targets, and how collaborative targets could be incorporated into a plan.

191. Some commented on the difficulties of setting numerical targets, for example where small groups of students are involved. Others suggested that the expectation that providers set numerical targets could lead to unwanted behaviours, including for example, providers focussing on 'quick-wins' where numerical targets were possible rather than long-term systemic issues where numerical targets may be more difficult to set.

192. A number of respondents commented on the role of qualitative information in capturing the complexities and nuances of the impact of interventions.

193. A small number of respondents queried how the broad range of numerical targets would feed into a consistent approach across the sector, with some suggesting that the proposal was unclear whether and how benchmarks will be used.

194. Some respondents welcomed the move away from national targets, though others commented that they would welcome further autonomy in the types of targets that can be included with plans.

OfS response

195. Where possible we encourage providers to set numerical targets. This is because we consider that they provide effective indicators of whether a provider is making positive progress in addressing its risks to equality of opportunity. They also allow stakeholders, including students, to hold providers to account. We consider that by having either directly linked or proxy targets with annual milestones a provider will be able to monitor whether it is on track to meet them and in cases where it is not, take steps to identify and address any aspects of its intervention strategy that may not be effective.

196. The OfS intends to continue to monitor plans on an annual basis, and will take a similar desk-based approach to the 2020-21 monitoring cycle. This will include consideration of whether a provider is meeting its annual milestones for the targets it has set.

197. We will include further information in Regulatory advice 6 that will support providers with developing appropriate numerical targets, including collaborative targets. We will use exemplars to demonstrate how qualitative experience can be translated into proxy numerical targets, and to detail how a provider may incorporate collaborative targets into a plan.

198. We recognise the challenges faced by providers where data is limited or the dataset is small. We consider that a provider in this situation may wish to consider collaborative working with other higher education providers to increase the number of students included in a particular intervention strategy, or innovative methods to determine the efficacy of its interventions.
199. We do not consider that the use of numerical targets precludes the need for longer-term objectives that address areas such as systemic or behavioural change. Indeed, the purpose of including objectives in the plan is to set out longer-term ambitions, with a clear indication through targets of what can reasonably be achieved.
200. We agree that qualitative evaluation is important and would expect, where possible, providers to evaluate an activity using qualitative and quantitative techniques as appropriate. However, we do not consider that it is feasible to capture qualitative targets in access and participation plans due to the challenges of monitoring them. Where a provider wishes to capture an intention or aim that cannot be translated into a numerical target, it can do so by making a written commitment in the plan itself. Given this difficulty we do not consider it appropriate to make amendments to the proposal.
201. In relation to the comments regarding consistency of approach, we encourage providers to use the access and participation data dashboard to set targets where possible, and expect that this will bring a measure of consistency. However, we also recognise that the diversity of risks to equality of opportunity across higher education providers mean that providers should have the ability to select targets that most appropriately reflect their own context.
202. We assess the credibility of targets depending on the context of an individual provider and the nature and impact of the risk it has identified. The use of benchmarks is therefore not seen as the most appropriate manner of target setting or assessing credibility. However, an individual provider may choose to refer to benchmarks if they wish, although it should be noted that a benchmark may not necessarily align with the OfS's own assessment of ambition or credibility.

Datasets

203. A number of respondents queried whether measures such as POLAR and TUNDRA provided a suitable basis for the setting of targets relating to equality of opportunity. A few respondents suggested that individual-level measures, such as eligibility for free school meals, may be more suitable, and queried whether the OfS would be able to facilitate the provision of this information to providers. Some respondents suggested that the OfS should widen datasets to include not just eligibility for free school meals but data such as parental occupation and type of school attended (fee-paying or state-funded).

OfS response

204. We welcome the recognition from respondents that POLAR may not be suitable for future use in target setting. We do not expect the POLAR methodology to be updated which means that it will become increasingly out-of-date in the event of changes to the UK demographics or propensity to study higher education

205. Tracking underrepresentation by area (TUNDRA) is a newer area-based measure that uses tracking of state-funded mainstream school pupils in England to calculate rates of young participation in small geographic areas. We consider that the use of the TUNDRA measure in target setting may be appropriate in some circumstances, where this can be considered the most relevant target for the objective. As an area-based measure that uses individualised data and tracks individuals from Key Stage 4 to higher education, we consider that TUNDRA may be suitable for use by providers where there are geographical gaps in access to higher education. However, we would not expect use of the TUNDRA measure where a provider is addressing a risk to equality of opportunity that is related to individual student characteristics (such as socio-economic circumstance).
206. Through the EORR we are encouraging providers to consider where different student groups, as identified through individual-level characteristics, may not experience equality of opportunity. We have not included area or school based characteristics in our assessment of groups that are likely to be at risk, but we have noted that a provider may wish to consider how these group-level characteristics intersect with an individual student's characteristics. In our guidance accompanying the EORR, we have given examples of breakdowns of students' characteristics that are available in either provider-level or national datasets, and have signposted to where a provider can find these. Where a provider is addressing a risk to equality of opportunity that is related to individual student characteristics, we would expect it to make use of the individual-level measures reported through various data sources. Providers may also draw from other relevant datasets that may contain information about previous school type and the socio-economic classification of parental occupation.
207. We will give further guidance in Regulatory advice 6 about the use of some measures that can be used for target setting, including in respect of small populations.
208. Our 2022 consultation on constructing student outcome and experience indicators for use in OfS regulation made proposals about the extension of the access and participation data dashboard to include characteristics such as the socio-economic classification of parental occupation.¹⁶ The outcomes of that consultation confirmed that this characteristic would first be introduced to our annual publications of sector-level equality and student characteristics data, and only reported through the access and participation data dashboard if or when it becomes possible for that resource to include both sector- and provider-level information about this characteristic. The OfS published sector-level data through our student characteristics data in November 2022 and expects to update this set of official statistics regularly.¹⁷ We take the view that it would be difficult to classify school types in a consistent and meaningful way for this purpose (for example, to identify an appropriate category for selective state schools). To do so would, in effect, introduce a proxy for prior attainment that would be inconsistent with the aims of the access and participation data dashboard for identifying and monitoring groups to be supported through access and participation plan targets and milestones.
209. We recognise that individual-level measures such as (but not limited to) eligibility for free school meals, care experienced and child in need status are not easily available to providers at

¹⁶ See the consultation on constructing student outcome and experience indicators for use in OfS regulation, and our analysis of responses and decisions, at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

¹⁷ See www.officeforstudents.org.uk/data-and-analysis/student-characteristics-data/.

individual student level at the point of admission. We note comments from respondents that providers' access to this information may be helpful to facilitate access and participation work. We also note that the OfS does not have a legal gateway to access or share certain data held within the DfE's national pupil database, and other third party data sources, and that facilitating the sharing of some of the suggested data items is not within our control. However, we will advocate for providers being able to access and use this data where possible due to the value it could have in targeting specific groups and for monitoring, evaluation and research purposes.

210. We will always prioritise the privacy of individuals and compliance with data protection legislation, and we recognise that there are ethical matters that require careful consideration by the relevant data controllers. In particular, we note that this can be highly sensitive personal data that has been collected about young people, potentially without their knowledge, or else at an age when they could not give meaningful, informed consent regarding its onward uses.
211. The OfS is now able to share information about the free school meals eligibility of individual students who register at a provider. While this will necessarily be shared under strict conditions for its onward use, we will make this available to a provider through the individualised student data files released to ensure transparency in our approach to regulation of student outcomes and equality of opportunity. However, we recognise that there is a time lag in this information, as it will currently become available to a provider alongside its access and participation plan and student outcomes data dashboards, no earlier than 12 months after the student's point of admission. We therefore welcome the move from UCAS to share more individual-level data about free school meals eligibility with providers at the point of admission but recognise that this is still limited in coverage and usage.
212. The OfS will continue to engage with the relevant data controllers to improve understanding of the opportunities and challenges associated with access to individual-level measures such as care experienced and child in need status. To the extent possible, we will encourage those data controllers to seek to identify any data-sharing solutions that strike an appropriate balance between facilitating access and participation work in the student interest, and protecting the privacy of individuals.
213. We proposed, and continue to take the view that providers should set targets that relate to key objectives, which in turn relate to the greatest identified risks to equality of opportunity. We will therefore encourage providers to use the access and participation data dashboard when setting targets and we will strongly encourage providers to use the most relevant target for the objective.
214. For providers with access to limited data in particular, we recognise that targets and milestones may necessarily be ambitious estimates of what it can credibly achieve in relation to reducing identified risks to equality of opportunity. We will take this into account when monitoring the progress a provider has made against such targets.

Decision

We have decided to proceed with this proposal with a minor amendments to our proposed approach (this is set out below). This means that:

- objectives should be translated into numerical targets with measurable outcomes-based milestones set over the duration of a plan.
- targets should be captured in a targets and investment plan.

We have decided to amend Regulatory notice 1 as follows:

- we will recognise that targets are an indicator of anticipated progress. For a provider with access to limited data we recognise that targets and milestones will necessarily be ambitious estimates of what it can credibly achieve in relation to reducing identified risks to equality of opportunity. We will take this into account when monitoring the progress a provider has made against such targets.

We have decided to publish further guidance on how providers can meet our expectations in Regulatory advice 6.

We will also investigate the feasibility of collaborative datasets with the relevant data controllers.

Proposal 5: Evaluation

What we proposed

215. Proposal 5 set out that a provider should be expected to significantly increase the volume and quality of evaluation across its access and participation activity. Providers should be expected to provide information on what it will evaluate and when; and should further be expected to set out how and when they intend to publish evaluation results. The details of the proposal were that:

- a. Providers should be expected to significantly increase the volume and quality of evaluation across access and participation activity.
- b. Providers should be able to detail evaluation plans, including proposed methodologies, timelines for publication of result.
- c. Providers should be expected to share results of evaluations in order to increase the evidence base for access and participation, both in terms of what does work and what doesn't. Providers should detail how they intend to publish this information.
- d. Providers should be expected to routinely engage with the latest available research on access and participation, and where appropriate should review their own activity. Providers will also be expected to set out a robust evaluation strategy for how they will strengthen their evaluation activity overall.
- e. As part of each intervention strategy a provider should be expected to detail how it will evaluate each outcome in its intervention strategies. This includes details of plans to share and publish evaluation outcomes.
- f. Where a provider is not able to deliver significant aspects of its access and participation plan, including securing expected evaluation outcomes to its planned timetable, we would expect it to consider use of our reportable events process.

Questions relating to Proposal 5

Question 9. To what extent do you agree with our proposal related to evaluation? Please provide an explanation for your answer.

Question 10. If you consider our approach should differ, please explain how and the reason for your answer

Responses to Proposal 5

216. A large number of respondents were positive about the proposed changes outlined in Proposal 5, suggesting that effective and relevant evaluation should drive successful access and participation plans.

217. Respondents expressed strong support for this proposal, with over 80 per cent expressing agreement to some extent. 14 per cent of respondents disagreed to some extent, with the remaining 6 per cent preferring not to say or not knowing the answer.
218. We have carefully considered all the points made about this specific proposal. The main comments were in relation to:
- a. Respondents seeking further guidance from the OfS about the evaluation of plans.
 - b. A perceived lack of capacity within the sector to meet the increased level of evaluation anticipated by the OfS's proposal.
 - c. The OfS's expectations in relation to the dissemination and publication of findings.
219. Comments made about regulatory burden are considered in the 'overarching themes' section.

Guidance

220. Some respondents requested more information on the level of detail that the OfS will expect an access and participation plan to contain regarding evaluation and a number of respondents suggested that in order to meet the OfS expectations they would require additional guidance on a range of areas, including:
- a. What constitutes 'good' and 'robust' evaluation. In particular, respondents requested that the OfS continues to share case studies and examples of providers that have strong evaluation work, along with explaining any baseline expectations for evaluation that some providers may already be meeting.
 - b. Quantification of 'significant increase'.
 - c. What the OfS's expectations are in relation to meaningful student involvement in evaluation activity.
 - d. How to incorporate interim measures or long-term evaluations into a four-year plan.
 - e. Guidance on adapting existing evaluations.
221. Other respondents suggested that guidance on best practice would facilitate the development of a successful evaluation plan.

OfS response

222. In developing our approach to increasing the volume and quality of evaluation, we have considered the feedback received through this consultation. In response we will update Regulatory advice 6 to include more detail about our expectations for evaluation.
223. This will include information on what providers should consider when developing evaluations, and signpost to organisations such as TASO and examples of good practice. We will use exemplars to demonstrate how long-term interventions can be evaluated using interim

outcomes to inform intervention strategies that sit within the four-year access and participation plan.

224. Regulatory advice 6 will also give providers an understanding of the level of detail that we expect in relation to evaluation in a plan. We are now taking a staggered approach to the implementation of the changes to access and participation plans and intend to review the efficacy of our guidance following the development of plans by the first cohort.
225. Regulatory advice 6 will also set out our expectations in relation to evaluation, including that our consideration of the extent to which a provider has increased evaluation, will be proportionate and relevant to the context of each provider. For example, in order to demonstrate an increase in evaluation activity a provider already engaged in a large volume of evaluation could consider how more of the detail of those evaluations could be published, but may not need to immediately increase its volume. A provider doing little evaluation work could consider how to expand its work, and ensure that such work remained high quality.
226. Where an activity is likely to affect students, we would expect them to be involved in informing the results of the evaluation. We would not necessarily expect students to be involved in planning an evaluation. Regulatory advice 6 will signpost guidance that details how providers can evaluate the effectiveness of an intervention on participants involved in an intervention.

Capacity within the sector

227. Some respondents expressed concern that they do not have the expertise to deliver increased evaluation at the level and scale expected, noting that the talent pool would be 'thinly stretched' if many providers sought to hire new staff to deliver this.
228. Some respondents queried whether providers would be evaluating themselves or whether external bodies should be involved.
229. Other respondents suggested that the expectation of increased evaluation could divert resource away from other activities in a provider's access and participation plan and lead to a reduction in the quality and effectiveness of interventions.

OfS response

230. We recognise that capacity to undertake a full range of evaluative measures differs among providers. However, we do not agree that providers cannot access adequate evaluative expertise. Providers must already evaluate the delivery of their plan. We therefore expect that they should already have a level of expertise and experience in developing evaluations. Neither do we agree that evaluation activity relies on a limited talent pool. We consider that English higher education providers, as academic institutions that have a strong history of expertise in research and evaluation, should be well-placed to attract and train staff in evaluation.
231. We expect providers to consider whether it is appropriate to conduct their own evaluations, taking into account the value of independence. It may be appropriate in some circumstances to commission external evaluation of particular interventions to achieve a level of credibility and robustness through independent sources, particularly where the provider is significantly investing in an intervention strategy. External commissioning can also be used to grow a

providers' capacity to undertake evaluation activity along with securing relevant expertise where a provider considers that it does not yet hold this. We encourage providers to collaborate where possible to improve and support one another's evaluation activity if not to evaluate activity focused on collaborative targets.

232. We have considered the view expressed by respondents that an increase in evaluation may divert resource from other activities. Our aim is to build up a sector-wide evidence-base that will improve the overall quality of activities and thus support more effective use of available resource in future to promote equality of opportunity.
233. We will consider the quality of intervention strategies and evaluation plans as part of our assessment of access and participation plans, as set out in Regulatory notice 1.

Dissemination and publication of results

234. A number of respondents suggested that further information on how the OfS expects providers to publish results of evaluation was required. Respondents commented that the use of the term 'publish' suggested an expectation of publication in peer-reviewed academic journals. Further information was also sought in relation to what the OfS would expect to see evaluated and subsequently published.
235. Respondents expressed support for TASO, with some suggesting that further information on the ongoing role of TASO in evaluation support and dissemination would be beneficial. A small number of respondents suggested that TASO should create a 'central repository' of research. Respondents were also unclear as to whether 'results' of an evaluation could refer to interim outcomes as well as final results of an activity.
236. Some respondents requested further information in relation to TASO funding arrangements, suggesting that it should align with OfS access and participation plan cycles.

OfS response

237. Having considered the feedback we will update Regulatory advice 6 to set out what we expect providers to disseminate, including how providers can share and use interim findings. We consider that all results of evaluation are useful even where negative or no effects of interventions are shown.
238. We support the dissemination of evaluation results through academic publications, but we also strongly support the dissemination of results through free-to-access channels including (but not limited to) provider websites, collaborative evaluation platforms such as TASO, and practitioner networks.
239. The OfS has provided grant funding to TASO for 2023-24 and intends to continue funding TASO where this represents value for money. Providers are encouraged to work with TASO where possible, including applying to take part in evaluation trials, submitting evidence, and implementing its findings.
240. As a result of our new expectations, we anticipate an increase in the number of evaluation findings being disseminated externally by providers. We therefore intend to set up the infrastructure (a clearing house) to collect evaluation findings from providers and to rate the

type and strength of evidence of these findings to build the evidence base. We will share more information on the clearing house over the next year.

Decision

We have decided to proceed with this proposal with no changes to our proposed approach. This means that:

- a provider will be expected to significantly increase the volume and quality of evaluation across its access and participation activity.
- a provider will be expected to supply more information about what it will evaluate and when.
- a provider will be expected to set out how and when it intends to publish its evaluation results.

We will set out our further details in relation to our expectations in relation to evaluation in Regulatory advice 6.

We intend to set up the infrastructure to collect evaluation findings from providers and to rate the type and strength of evidence of these findings to build the evidence base.

Proposal 6: Investment

What we proposed

241. Proposal 6 set out that providers should be expected to include information on how much they intend to invest in each intervention strategy, and to provide information on financial support, research and evaluation investment in the targets and investment plan document. Providers would no longer be asked to give information on access investment in the target and investment plan document. The details of the proposal were that:
- a. For each intervention strategy, a provider should include information about the approximate level of funding that it intends to invest. This would facilitate evaluation of the cost-effectiveness of interventions.
 - b. Information on the level of funding for each intervention strategy is intended to assist the OfS in assessing the credibility of the strategy. The OfS would not expect this spend to be reported in a provider's Annual Financial Return.
 - c. Due to the collection of financial investment information at an intervention-level, the OfS would no longer expect a provider to include access investment information in the targets and investment plan document.
 - d. Investment information related to financial support and research and evaluation would be retained in the targets and investment plan document and providers would be required to report expenditure on these activities through the OfS Annual Financial Return.

Questions relating to Proposal 6

Question 11. To what extent do you agree with our proposals related to investment? Please provide an explanation for your answer.

Question 12. If you consider our approach should differ, please explain how and the reason for your answer

Responses to Proposal 6

242. Responses to this proposal were divided; just over half of respondents agreed to some extent, but nearly one-third of respondents disagreed. The remaining 12 per cent either did not know or preferred not to answer.
243. We have carefully considered all the points made in relation to this specific proposal. The main points made were in relation to:
- a. Flexibility to respond to changing circumstances.
 - b. The proposed removal of overall access investment spend in what was previously known as the targets and investment plan document.

c. Estimating the cost of individual intervention strategies.

d. How information on investment will be used.

244. Comments relating to regulatory burden were made in relation to this proposal. These are considered under the 'Overarching themes' section.

Flexibility

245. To allow providers to react to the changing context, some respondents suggested that providers would need flexibility so they could change their activities and associated investment. Respondents cited recent examples, including providers response to the Covid-19 pandemic and the ongoing cost of living crisis. Some respondents suggested that providers need to be able to monitor and update investment decisions quickly, without undue burden or the need to seek approval for a variation to an approved access and participation plan.

246. Some respondents commented that this proposal would create additional work for providers, especially for small providers, and that the OfS should avoid a 'one size fits all' approach. We take this to mean that we should have different expectations for different-sized providers in terms of the information that a plan should contain.

247. Some respondents suggested that the OfS should allow flexibility in the way providers are required to report investment information suggesting that the investment plan should include the level of investment as a percentage of overall income rather than a numerical value.

OfS response

248. The OfS recognises that providers may wish to vary an access and participation plan following its approval. Regulatory notice 1 sets out that a provider may, at any time after a plan has been approved, apply for approval of a variation. The OfS considers that this approach gives providers appropriate flexibility to update their plans in response to changing circumstances. It also means that the OfS can seek to protect any commitments that have been made to students at the point they applied and thereafter, including financial support. The reduction in plan duration (to four years from five) also aims to address the need to allow providers to reshape their plans and associated financial planning on a more regular basis.

249. We will revise our guidance on variations and the associated assessment process. We will aim to minimise the administrative burden as far as possible.

250. We have considered the comments made by respondents about the speed at which providers may wish to make changes and their desire to minimise burden. We consider that our approach, which requires providers to seek approval for changes to their plan, is appropriate because as set out in HERA, for a plan to be in force, it must be first approved by the OfS. To introduce new elements or to adapt the plan post-approval, would mean that these elements would not have been approved, nor the impact on the overall plan fully considered. Where changes made may have a direct impact on students, such as levels of financial support that will be available, we consider that it is in the student interest that we first consider them.

251. We have considered the suggestion that we should not have the same expectation of smaller providers as larger providers with regards to reporting investment information. Although

we are aware that different providers will have different capacities, we consider that it is important that plans contain standard information points, as set out under Proposal 3.

252. We have considered the view expressed by some respondents that providers should be able to include the level of investment as a percentage of overall income. It is our view that describing investment as a proportion of overall investment packages is unnecessarily complex and may incur undue regulatory burden at future reporting and monitoring stages. We will, however, we will test this in practice with the first cohort of providers that are being assessed, to ensure that providing intervention-level spend estimates does not unduly increase provider burden.
253. We recognise that forecasted income may not be realised, for example as a result of under-recruitment, but it is our view that the overall allocated spend should remain the same. We also recognise that under recruitment of particular groups may result in an underspend due to fewer students taking up bursaries and/or hardship funds. In these circumstances, we would expect the provider to consider whether such budgets might be repurposed to contribute to the plan's aims and objectives more effectively.
254. We also consider that that collecting information in a consistent manner enables transparency and accessibility. As such, we are not minded to adopt differential modes for financial reporting.

Removal of overall access investment spend

255. A number of respondents (comprising higher education providers and sector representative bodies) did not support the proposal to no longer report on overall access spend. Respondents suggested that the inclusion of overall access spend in the targets and investment plan encouraged providers to protect spending on access activity. Respondents also suggested that the removal of access spend reporting in the targets and investment plan may result in a reduction in funding for this activity, particularly in the context of cost pressures and constrained institutional finances. Some respondents stated that removing this may inadvertently signal that the OfS does not deem this to be a priority, and as such this work might be de-prioritised or under-funded. Some respondents said that this in turn would make the day-to-day work of teams working in this area significantly more challenging.
256. Some respondents suggested that financial forecasting would still need to take place to ensure that audit processes can be completed. No longer including overall access spend would, therefore, only reduce administrative burden very slightly.

OfS response

257. We have considered the comments made about this proposal alongside the comments about regulatory burden. We have concluded that it is appropriate for the OfS to continue to expect providers to report on overall access expenditure. We recognise some respondents' concerns that removing this would make access spend more vulnerable and increase the risk that providers would reduce it. We consider that improving access to higher education is key to promoting equality of opportunity across all underrepresented groups of students. As such we also consider that it is important to ensure that access spend is protected.

258. We have considered the views that not including overall investment will only have a negligible effect on reducing administrative burden. As such, we consider that retaining access investment forecasts will not cause undue regulatory burden.

Estimating the cost of individual intervention strategies

259. Over 50 per cent of respondents expressed support for the approach outlined under Proposal 6. However, a number of respondents suggested that it was difficult for providers to estimate the cost of interventions due to the intersecting nature of activities within a provider and because of the volatility in the current economic climate. Some respondents expressed concern about whether the OfS's proposed approach would allow for flexibility if costs changed during delivery.

260. Some respondents were unclear how and whether investment on intervention strategies would be linked to outcomes. Others requested more information on why the OfS had suggested this change.

261. Some respondents suggested that further guidance was required about the disaggregation of spend, the level of detail required by the OfS and expenditure on collaborative activities.

OfS response

262. We have carefully considered the responses received in relation to the proposal for providers to include information on how much they intend to invest in each intervention strategy.

263. We consider that it is appropriate for providers to submit an estimate of costs for each intervention strategy as it will enable the OfS to assess the credibility of the proposed interventions, including the extent to which a provider has considered and planned for the associated resources. In taking this view we have had particular regard to the following OfS general duties:

General duty (d) – the need to promote value for money in the provision of higher education by English higher education providers. We consider our approach is appropriate because it will allow a provider to evaluate the effectiveness of the activity delivered against its cost, helping a provider to understand whether the intervention represented good value for money compared to others it delivers.

General duty (e) – the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers. We consider that requiring this information will support the effective delivery of provider's access and participation plans.

264. The OfS recognises that providers may wish to vary an access and participation plan following its approval. Regulatory notice 1 sets out that a provider may, at any time after a plan has been approved, apply for approval of a variation of that plan. The OfS considers that this approach provides appropriate flexibility for providers to make changes to their plan to respond to significant financial changes.

265. We are aware that changes may need to be made to funding during the delivery of the plan, or that in some instances incorrect estimates may have been used. We will seek to refine our variations guidance to advise providers on whether they need to make a variation to their approved plan with these scenarios in mind.
266. We will revise our guidance on variations and the associated assessment process. We will aim to minimise the administrative burden as far as possible.
267. The OfS does expect providers to evaluate the impact of its interventions and to consider the cost as part of any evaluation plan. We consider that this demonstrates that the provider has a credible plan for delivering appropriate levels of evaluation that will be considered as part of our assessment of plans, as set out in Regulatory notice 1.
268. In relation to the comments made about the difficulties that providers may have detailing their expenditure, we will include guidance in Regulatory advice 6. This will set out how providers should report estimated spend through the fees, investments and targets (FIT) document. It will explain the OfS's expectations on the level of detail required and the ways in which a provider can estimate expenditure across multiple departments and activities.

How information will be used

269. A number of providers were unclear how the information on intervention strategy investment will be used by the OfS, and where it will be published. Some respondents also queried whether the information would be used to compare and judge providers against each other, including to generate league tables and comparisons, and whether the information will be available for public and third-party scrutiny.

OfS response

270. Investment data provided in intervention strategies should be comprehensive enough to help both the provider and the OfS understand what is an appropriate level of investment for an intervention. The OfS will use the information to assess the credibility of the proposed interventions, including the extent to which a provider has considered and planned for the appropriate resources. We recognise that the investment information submitted will be an estimate. Alongside evaluation, however, we expect that this should feed into an evidence base that in future will help the sector understand the relationship between investment levels and intervention outcomes.
271. As with current financial investment on access and participation, these figures will be available to the public as they are part of the access and participation plan. All access and participation plans are published on the OfS website and on each provider's own website. We do not consider that a provider should be concerned about this as we would not expect it to have an underfunded intervention strategy. Furthermore, we would not consider comparison to be a risk as investment will be highly contextual.

Decision

We have decided to proceed with this proposal with some minor amendments to our proposed approach (these are set out below). This means that:

- a provider is expected to include information on how much it is investing in each intervention strategy
- a provider is expected to include information on financial support and research and evaluation investment in the targets and investment plan document.

We have decided to amend Regulatory notice 1 to:

- reinstate the expectation that a provider should include information about its overall investment on access
- set out that a provider will be expected/ to capture information on targets, investment and fees in one document.

We will set out our expectations in Regulatory advice 6 about investment reporting.

Proposal 7: Raising attainment in schools and collaboration

What we proposed

272. Proposal 7 set out that the OfS would expect to see key sector-level priorities in the EORR reflected in the majority of access and participation plans. In particular, we expect providers to address in their plan the priority relating to raising attainment at pre-16 through the development of strategic partnerships with schools. As part of the proposal, the OfS invited feedback on how best it could support providers to develop such partnerships, and how it might use other tools, such as funding, evidence of effective practice and its convening powers to support collaboration and partnership in addressing core risks to equality of opportunity. The details of the proposal were that:

- a. Providers should include in their plans at least one objective related to strategic partnerships to raise pre-16 attainment in schools. This objective could sit alongside other objectives related to access, such as diversifying pathways into and through higher education.
- b. Providers should engage in strategic partnerships that include, but are not limited to, interventions that: deliver resources to upskill teachers, including continuous professional development; provide targeted academic enrichment programmes either directly to learners or through working with third-party organisations; tackle non-academic barriers to learning; sponsoring or establishing a school; establishing school governor networks and/or training programmes.
- c. Initiatives relating to raising attainment in schools should be evidence-informed and clearly targeted at particular groups of students. Providers will be expected to evaluate the impact of any such initiatives.
- d. Providers could improve efficiency of delivery by collaborating with other providers to deliver initiatives that raise attainment in schools.

Questions relating to Proposal 7

Question 13. To what extent do you agree with our proposals related to raising attainment in schools and collaboration? Please provide an explanation for your answer.

Question 14. How might the OfS support providers to develop strategic partnerships to raise attainment in schools?

Question 15. What support would help foster collaboration between higher education providers, schools and colleges around information advice and guidance (IAG), outreach and attainment raising, and why?

Responses to Proposal 7

273. Responses to this proposal were mixed. Slightly over half of respondents expressed agreement with the proposal to some extent, and four out of every ten respondents expressed disagreement. The remaining 7 per cent either preferred not to say or disagreed.

274. We have carefully considered all the points made about this proposal. The main comments were concerned:

- a. The capacity and capability of higher education providers to raise attainment levels in schools.
- b. How attainment-level raising in schools should be funded.
- c. The types of intervention and targets appropriate to attainment-level raising.
- d. Collaboration and supporting strategic partnerships to deliver raising attainment.
- e. Information, advice and guidance for prospective students.

275. Comments about the proposal covered regulatory burden and the need to improve understanding of the nature and volume of activity that providers might be expected to undertake. These are addressed under the 'Overarching themes' section.

Capacity and capability

276. A number of respondents suggested that higher education providers may not be best placed to raise attainment levels in schools. Of those who expressed this view, some were concerned that they do not have the appropriate knowledge or expertise, while others were concerned about their capacity to deliver the work. A number of respondents suggested that this would be a particular issue for small or specialist providers.

277. Some respondents questioned whether the OfS or the Department for Education (DfE) would be better placed to lead this activity. Others suggested that it would be more appropriate for this to be led by schools rather than higher education providers.

278. A number of respondents commented that providers should focus interventions designed to raise pre-16 attainment on the most disadvantaged students. Some also suggested that there should be a regional focus to ensure that efforts are directed where the need is greatest.

279. Some thought that this would only work if DfE and Ofsted ensure that schools have the time, resources and dedication to work with providers.

OfS response

280. We have considered the points made about the appropriateness of higher education providers undertaking work to raise attainment in schools.

281. In light of the comments received and other considerations, we have decided to revise Regulatory notice 1 to include the word 'support' in reference to raising attainment work. This clarifies that a higher education provider will contribute to the activity that schools undertake to

raise pre-16 attainment. We consider that providers can have a significant role in raising pre-16 attainment, but we also recognise that they cannot be held solely responsible for it.

282. In relation to the views expressed by respondents that higher education providers lacked the capacity and capability to raise attainment in schools, our view is that a significant proportion of providers are already working in schools in a manner that contributes to raising attainment through existing access and participation work. We note through our recent variations exercise that over 90 per cent of providers with an access and participation plan are either currently undertaking work to raise attainment in schools or plan to do so.¹⁸ This suggests that providers consider that they can meaningfully contribute to addressing it. We therefore do not agree that the sector does not have the knowledge or expertise to deliver work in this area.

283. However, we recognise that for some providers this will be a new area of work. We will use Regulatory advice 6 to outline information concerning the types of interventions that a provider may implement, and will signpost to other resources detailing evidenced attainment-raising activities.

284. In relation to whether the OfS or DfE would be better placed to lead on this activity the OfS has engaged with Ofsted, DfE and other relevant parties to ensure that our ambitions are shared across all stages of education. However, our view is that higher education providers have a key role to play in supporting attainment-raising in schools. We consider that contributing to raising attainment in schools is necessarily a long-term and strategic endeavour that will benefit the higher education sector in future years. Ultimately, such activity will ensure that young people are qualified and equipped to make the post-16 and -18 choices that are right for them, with many choosing to go to university or college. These young people will be better prepared for the demands of higher education, reducing the likelihood that they will withdraw early and increasing the likelihood of securing successful outcomes.

285. Data shows that the risk to equality of opportunity relating to attainment is greater in some regional areas than others. As set out and evidenced in the EORR, our view is, however, that persistent differences in attainment across regions for students with particular characteristics remain, such as those in receipt of free school meals. We therefore would expect to see providers supporting attainment-raising in all regions of England with interventions targeted where the need is greatest. We will set out further guidance on this in Regulatory advice 6.

286. We will continue to engage with Ofsted to ensure that schools are supported to engage with higher education providers in order to raise pre-16 attainment in the most effective way.

Funding of attainment raising in schools

287. A number of respondents questioned whether higher education funding should be used to support attainment-raising activities in schools. The reasons given were that providers may reduce resources, investment or activities aimed at ensuring equality of opportunity for existing higher education students and that it is not appropriate to divert funds derived from student

¹⁸ See www.officeforstudents.org.uk/publications/outcomes-report-variations-to-access-and-participation-plans-for-2023-24/.

fees to raise attainment in schools, especially if it risks taking resource and money away from students themselves.

288. Some respondents suggested that work to raise attainment in schools should not be the task of higher education providers alone, but should also be addressed through systemic changes, such as improved school funding.

289. A number of respondents suggested that financial support from the OfS to deliver this proposal would be welcomed, particularly to support partnerships with schools.

OfS response

290. We have considered the points made by respondents in relation to how attainment-raising should be funded. The OfS considers higher education to be one element of a wider education system. Low prior attainment is not just a risk that affects access to higher education, but also success once students are on courses and how they progress from higher education. It is not within our remit to increase school funding, but with regard to our general duty to ensure equality of opportunity for students, we consider that higher education providers should, where possible, engage in activities that support raising prior attainment and that this is an appropriate use of their funding. Our view is that providers undertaking work to raise attainment in schools is a long-term investment that will benefit their future students. It will also reduce the need for providers to remedy the increased risk of issues occurring later in the student lifecycle.

Types of intervention and the setting of targets

291. A number of respondents requested further clarification on the types of activities that would be suitable for an intervention that supports raising attainment in schools, including whether they could use activities that indirectly contribute. For example, some respondents queried whether activities such as delivering continuing professional development (CPD) for teachers or raising aspiration for students would be suitable.

292. A large number of respondents requested further information on what would constitute a suitable target in this area. Some queried whether the OfS expects targets to be directly related to attainment in a particular subject, or whether targets could be set that relate to an activity that contributes indirectly towards raising attainment, such as wider enrichment activities.

293. Some respondents suggested that targets should not be limited to raising attainment in English and Maths but should include other subjects, as well as avoiding a focus only on exam skills that may detract from wider enrichment activities.

294. Some respondents requested more information and guidance to support the delivery of this proposal, particularly in relation to creating partnerships with schools and the measurement of performance.

295. Some respondents took the view that evaluating work on raising attainment would be difficult. They suggested that many factors may influence a young person's attainment, within and outside the school setting.

296. Other comments indicated support for the role of higher education providers in delivering work to raise attainment in schools, but they did not think such work should be included as a

target in an access and participation plan. Instead, one respondent suggested that it could be published as an annex or additional information.

OfS response

297. We have carefully considered the responses to this issue and, as set out above, we have decided to update Regulatory notice 1 to include the word 'support' in reference to raising attainment work. This will clarify that a higher education provider will contribute to the work that schools do to raise pre-16 attainment. It also clarifies that it is acceptable to include activities that indirectly affect attainment in a provider's access and participation plan.

298. We understand that some respondents were keen to have more detailed information about the types of interventions and targets in relation to raising attainment in schools. Regulatory advice 6 will set out the range of activities that a provider may consider and will signpost a number of external resources that summarise current research and best practice on 'what works'.

299. We have considered comments about setting targets that support raising attainment in an access and participation plan. We will set out in Regulatory advice 6 examples of the range of targets that a provider may consider in relation to attainment raising. We will not limit targets to particular subjects. We will also make it clear that indirect targets that may contribute to raising attainment would be acceptable.

300. We have considered responses relating to the difficulty of evaluating work to raise attainment. In amending the wording to 'support' raising attainment we have clarified our expectation in this area. However, our view is that interventions that a provider is making in pursuit of the aims of a plan, particularly where there is significant investment, should be evaluated to understand clearly the impact they are having. We consider that there are ways in which interventions related to raising attainment can be usefully evaluated. We also recognise that this is a complex area with many variables and long-term indicators that may fall outside the scope and duration of a plan. We will set out guidance in Regulatory advice 6 to reflect this.

301. We do not agree with the comments that targets relating to attainment-raising should not be included in an access and participation plan, or published as an annex. Including information as an annex – or removing it from a plan altogether – would make the provider less accountable for the activity to which they have committed. Historically, providers have included pre-higher education access targets in their plans, where they are relevant to their context. We do not see a strong argument to change this approach, particularly when the risk to equality of opportunity in the area of access to higher education remains high.

Collaboration and supporting strategic partnerships to deliver raising attainment

302. A large number of respondents mentioned their existing collaboration with Uni Connect in the context of this proposal. Some suggested that work to raise attainment levels should be done through Uni Connect, due to its existing infrastructure. Others requested clarification on how the Uni Connect partnership would support work to raise attainment. A number of respondents expressed a view that Uni Connect funding should align with the access and

participation plan cycle, and requested a reconsideration of the level of funding provided to Uni Connect.

303. Others were unsure whether collaboration with third-sector organisations and community groups would be appropriate, and how such collaboration could be incorporated into access and participation plans. Respondents also sought further detail on the role a provider should play in forging such collaborations, and some requested details of best practice in this area. A number of respondents said they thought such collaborations are important.
304. Some respondents thought that it was important for higher education providers to collaborate with schools and school leadership teams to develop relevant initiatives in a manner that would facilitate engagement from schools. A number of respondents were unclear about the best way to collaborate with schools, and suggested further guidance was needed to support the implementation of this proposal. However, some respondents queried whether school leadership teams should be involved in the process at all.
305. A number of respondents took the view that there was a risk that providers target the same schools resulting in increased burden on these school(s). A few respondents suggested that the OfS could facilitate collaboration by improving access to data about attainment in schools, including through the creation of a centralised database. We take this to mean that providers could collaborate with schools without duplicating activities.

OfS response

306. We have carefully considered the responses to this issue and we note that a number of responses supported the role of Uni Connect partnerships in raising attainment. We have already taken steps to ask Uni Connect partnerships to support and focus on this area.
307. We are aware that the work undertaken by Uni Connect in relation to attainment raising may not be relevant for all providers. Some may wish to develop work that draws on a smaller evidence base. We will include information in Regulatory advice 6 to note the ways in which providers may collaborate to support work that raises attainment in schools, including through Uni Connect, third-sector organisations and community groups.
308. At present, the government allocates the OfS funding for the programme each year along with other strategic priorities.
309. In relation to whether collaboration with third-sector organisations and community groups would be appropriate, we support collaborative work to raise attainment in schools, including collaborations with other providers, third-sector organisations and community groups. In recognition of the diversity of such partnerships we have not set out a mandate on how they should work. However, we would expect a providers' role to be relative to its size and context. We will set out guidance on collaborations, including how to set collaborative targets, in Regulatory advice 6.
310. We also welcome the comments that recognised the importance of providers collaborating with schools to deliver interventions; we agree that designing interventions that are tailored to specific school contexts (including school resource availability) are more appropriate. We will include guidance in Regulatory advice 6 on the development of partnerships with schools.

311. We welcome the suggestions from respondents about developing a dataset that would facilitate understanding of attainment in schools and the collaborative work underway to raise attainment. We agree with comments that duplicating activities offered by higher education providers would increase burden on providers and schools. We also note that this would likely limit the overall impact of interventions to raise pre-16 attainment.

312. However, the OfS does not have a legal basis to access or share certain data held within the DfE's National Pupil Database (NPD), and is not the data controller for this or other relevant third party data sources. This means that facilitating the sharing of some of the suggested data items is not within our control. We will continue to engage with the relevant data controllers and encourage them to explore whether a centralised dataset that draws on (for example) Higher Education Access Tracker (HEAT), DfE, UCAS and the NPD is feasible. When published, we will use Regulatory advice 6 to provide guidance on how providers can minimise the risk of duplication.

Information, advice and guidance (IAG)

313. A number of respondents highlighted the importance of the Uni Connect partnership in delivering information, advice and guidance (IAG) to prospective students. Other respondents suggested that it was unclear from the proposals whether higher education providers would still be expected to deliver IAG as part of an access and participation plan, and queried whether such information could be included within a plan.

OfS response

314. We recognise that in certain contexts the role of information, advice and guidance will be important in reducing gaps in equality of opportunity. However, as this is context specific we do not necessarily expect all providers to undertake IAG work as part of its access and participation plan. If gaps in IAG are identified to be a key risk to equality of opportunity, then a provider may wish to address this through its plan.

Decision

We have decided to proceed with this proposal with some minor amendments to our proposed approach (this is set out below). This means that:

- there are key sector-level priorities in the EORR that we would expect to be reflected in the majority of access and participation plans. In particular we expect providers to address in their plan the key sector-level priority relating to raising pre-16 attainment in schools.

We have decided to amend Regulatory notice 1 to:

- include the word 'support' in reference to raising pre-16 attainment. This clarifies that providers will contribute to the work that schools undertake in this area.

We will include guidance in Regulatory advice 6 to help providers meet our expectations.

Proposal 8: Assessment process

What we proposed

315. Proposal 8 set out that the OfS will use its published access and participation data dashboard and other contextual provider-level data to conduct an analysis of a provider's performance. This would enable the OfS to understand a provider's context during the access and participation plan assessment process. The details of the proposal were:
- a. That there would not be any significant change from the existing general principles that the OfS uses to underpin its assessment process:
 - i. A student focus to protect the interests of students rather than a provider.
 - ii. Continuous improvement in outcomes and practice which underpin outcomes by addressing the greatest risks to equality of opportunity for a provider's own students and key sector-level risks and improving practice through robust evaluation and sustained engagement with schools and employers.
 - iii. Proportionality and targeting: Our expectations of a provider are related to its context and capacity for activity, which in turn is related to the scale of its higher education activities.
 - b. Providers are expected to conduct an assessment of their performance, using the access and participation data dashboard as its primary source where possible. This assessment of performance should identify the provider's largest risks to equality of opportunity, which in turn should form the basis of the commitments in its access and participation plan.
 - c. The OfS will also review a provider's data to understand its context, as part of our assessment. We will consider outcomes for different student groups, primarily using the OfS access and participation data dashboard and will review information to understand a provider's context, such as student numbers and relevant sector-wide data
 - d. In considering a provider's proposed plan, the OfS will also:
 - i. Take account of the statistical uncertainty associated with risks to equality of opportunity we identify in a provider's data. Such uncertainty is greatest when it is a result of small student numbers, which may also lead to greater volatility in the time series. We explain our approach to presenting and interpreting statistical uncertainty in our published 'Description of student outcome and experience measures'.¹⁹
 - ii. Consider the materiality of particular risks to equality of opportunity by considering information about the absolute number of students involved, the proportion of a provider's students this represents, and a provider's context.

¹⁹ See www.officeforstudents.org.uk/publications/description-and-definition-of-student-outcome-and-experience-measures/.

- iii. Understand how many students the provider has from particular groups for which we have identified a key sector-level risk to equality of opportunity.
- iv. Consider groups where there are data limitations, particularly in relation to minority groups, or student groups where there are low numbers in higher education overall, such as care leavers.
- e. As part of conducting an assessment, we will also consider the other information we hold about a provider, such as previous access and participation plan decisions and the reasons for these, outcomes from our general monitoring activity, or our assessment of compliance with other conditions of registration.

Questions relating to Proposal 8

Question 17. To what extent do you agree with our proposal related to the assessment process? Please provide an explanation for your answer.

Question 18. If you consider our approach should differ, please explain how and the reasons for your view.

Responses to Proposal 8

316. There was strong support for this proposal, with over eight out of ten respondents agreeing to some extent. No respondents strongly disagreed, with fewer than one in ten tending to disagree.
317. We have carefully considered all the points made about the proposal. The main comments concerned:
- a. The OfS's overall approach to the assessment of plans.
 - b. The OfS's understanding of providers' individual contexts.
 - c. The access and participation data dashboard.
 - d. Use of POLAR/TUNDRA/ABCS.
 - e. Small providers and the availability of data.
 - f. The use of internal data and qualitative data.
 - g. The role of the governing body in approving an access and participation plan.
318. Comments relating to regulatory burden and the timing for implementation have been considered in the 'overarching themes' section of this report.

Approach to assessment

319. Many respondents were generally supportive of the proposed assessment process and its underlying principles. Respondents welcomed the continued focus on protecting students'

interests, continuous improvement, proportionality and targeting. Respondents were of the view that the approach would be similar to that currently used and were supportive of this.

320. Many respondents took the view that the consultation set out a sensible and appropriate approach to assessment as it relied on using the published access and participation data dashboard alongside other contextual information about a provider. Respondents also welcomed the concept of a provider undertaking its own self-assessment with this being reviewed by the OfS as part of the assessment process.
321. Some respondents set out their view that the assessment process needs to be consistent and fair. Respondents welcomed the common approach to assessment to ensure that plans are comparable. We understand this to mean that respondents agreed that the proposals would enable each plan to be assessed in a fair and consistent manner.
322. Respondents welcomed the proposed approach including the focus on the credibility and robustness of interventions. This was because the approach was seen to align with OfS's general risk-based approach to regulation. Some respondents suggested that the proposals would make the assessment process more proportionate and achieved a positive balance between ensuring effective regulatory oversight and reducing regulatory burden.
323. Some respondents welcomed the transparency and clarity that comes from using data published in the dashboard to assess performance. Others requested further information about the assessment process and the criteria that the OfS will use in making judgements about access and participation plans.
324. In particular, one respondent commented that the consultation suggested that when assessing a plan the OfS would draw on other information and include consideration of a provider's compliance with other conditions of registration. The respondent's view was that this was vague and not in line with transparent or fair regulation. They sought further information on how compliance with other conditions of registration would be used in the assessment process.
325. One respondent questioned whether the OfS would look at the investment amounts for different interventions and make comparative judgements with other providers with similar interventions.
326. Some respondents proposed that the process should include the right for providers to respond to the OfS's comments. We understand that this may be in relation to provider queries throughout the assessment process or as part of outcomes letters which confirm whether or not the director for fair access and participation is minded to approve a plan. In addition, one respondent said that they would welcome further information about how the OfS would communicate with providers where the OfS's view of a provider's risks, having considered the data dashboard, differed from the provider's.
327. One respondent expressed concern that the OfS may not have the capacity or the specialist skillset to adequately assess plans. Another emphasised the importance of consistency between assessors to prevent discrepancies between the quality of plans approved.

OfS response

328. In response to the request for further information about the assessment process, the OfS considers that Regulatory notice 1 sets out in appropriate detail how it will assess access and participation plans. This guidance explains the general principles that the OfS will follow when assessing a plan and what the OfS expects a provider to include. Regulatory advice 6 will also include information that will help providers meet these expectations.
329. When making decisions regarding the approval of a provider's plan the OfS considers that it is appropriate for it to consider any relevant information, including in relation to a provider's compliance with ongoing conditions of registration. This is because the OfS is required, when making any decisions, to abide by its public law duties, which include considering all relevant information available to it.
330. Regulatory notice 1 also explains that a provider needs to be available over the period in which its plan is being assessed to provide further information to the OfS as required. Providers will also be given the opportunity to make amendments to their plan or provide further evidence.
331. In relation to the question about whether the OfS will make comparative judgements about the level of investment planned for particular interventions, we will consider information about forecasted expenditure on an intervention strategy to assess whether a plan is credible in so far as the provider is allocating sufficient resource to delivery it. Each plan will be assessed taking into account its particular context, including size and associated capabilities.
332. In relation to the view expressed by respondents that the OfS should include the right for providers to respond to comments, Regulatory notice 1 explains how we will communicate the outcomes of an assessment. Where the OfS is minded not to approve an access and participation plan, it will inform the provider in writing, specifying the reasons for its provisional decision. A provider may then make representations about why it considers that the submitted plan should be approved or the provider allowed to modify and resubmit its plan.
333. Where the OfS's assessment of risks differs from a provider's and where the provider has not provided a clear rationale for why these risks have been omitted, we may request an explanation for why the provider does not wish to address these risks in its plan. We therefore do not consider that further changes to Regulatory notice 1 are required in relation to this issue.
334. The OfS's scheme of delegation²⁰ sets out that the director for fair access and participation will make decisions regarding the approval of plans. which will ensure a consistent approach.

Understanding context

335. Many respondents welcomed the OfS's proposed approach to understanding providers' unique context when assessing their plans. In particular, they welcomed the use of contextual provider data as part of the assessment process. One respondent suggested that this makes

²⁰ See www.officeforstudents.org.uk/media/61967279-3461-4576-adda-44febab76f86/scheme-of-delegation-22-september-2020.pdf.

judgements better, and discussions easier. We assume that this meant discussions with OfS assessors, but the respondent could have been referring to discussion with other stakeholders.

336. Use of a wider range of demographic and institutional context was seen as a critical part of the assessment process. Respondents considered that this would support the OfS to make a sound assessment of whether, for example, interventions are appropriate for its size, profile of its students and other contextual variables. Respondents suggested that where providers recruit regionally that understanding regional-specific contextual information would be of particular importance. Some respondents expressed concern that the OfS's approach to considering context may not extend to provider's local context.

337. Others stated that contextual factors should not be an excuse for not setting and meeting ambitious targets, especially for the most selective institutions, which were viewed by some respondents as having the furthest to travel on improving access.

OfS response

338. Regulatory notice 1 sets out that the assessment of plans will be proportionate and take a provider's context into account, as such, we will expect different levels of detail across the diversity of providers, including (but not limited to) large, small, specialist and non-specialist providers. We will, where relevant, take into account the local, regional and national context in which a provider operates.

339. In relation to the comments made by respondents regarding the OfS's consideration of providers' local context in its assessment process, we do not consider that changes to Regulatory notice 1 are needed. This is because Regulatory notice 1 sets out that:

- a. One of the general assessment principles is proportionality and targeting and that our expectations of a provider are related to its context and capacity for activity, which in turn is related to the scale of its higher education activities. The OfS will therefore consider a provider's context.
- b. Providers should set out contextual information in the introduction to the plan. The OfS will consider this information in its assessment.
- c. In developing its access and participation plan a provider should focus on those risks to equality of opportunity that are the most significant in relation to its assessment of performance, mission and context. The OfS therefore expects providers to consider its context in determining the contents of its access and participation plan.

340. We have considered whether there are any systematic ways that we can take account of providers regional context, for example by including regional demographic information within the access and participation data dashboard. We take the view that it this would be difficult to achieve in a 'one size fits all' approach, and that providers are best placed to judge and explain the most suitable sources of regional information that may be relevant to their context.

341. We expect all providers to set credible, yet ambitious targets, as set out in Regulatory notice 1. Taking provider context into account will enable the OfS to make an assessment of whether, given the providers' context, plans are suitably ambitious and credible.

The access and participation data dashboard

342. Many respondents welcomed the proposal that the publicly available access and participation data dashboards would be retained and refreshed as part of the future approach. They reflected that it is accessible, easy to use and enables them to track information, making it a valuable resource for practitioners. Respondents suggested that the dashboard is a helpful tool for engaging other colleagues across a provider to understand institutional performance data.
343. Some respondents welcomed the proposals' clarity around the use and limitations of the access and participation data dashboard. In particular, respondents welcomed that, as part of reviewing a providers' data, its context would form part of that assessment as well as consideration of statistical uncertainty, materiality, students numbers for each group and data limitations.
344. Respondents welcomed the proposal to include sector-level data on broader groups of disadvantaged students, which was seen as a useful measure to understand their own context in comparison with other providers.
345. Respondents welcomed efforts to align underpinning datasets and data definitions for access and participation, TEF and student outcomes monitoring. Respondents also welcomed the use of absolute numbers in assessing outcomes rather than reliance on measures expressed predominantly as ratios or percentages.
346. Some respondents suggested that recent changes made by the OfS on the B3 and TEF had significantly increased the data available in the dashboards but suggested that further information about how providers should use them would be helpful. Other respondents suggested that the increase in available data may require an increase in staff to undertake analysis.
347. Respondents requested further information on the measures to be included, or removed, in the updated data dashboard, noting that the dashboards should be made available as soon as possible to support providers assess current priorities. We understand this to mean that providers wished to consider the implications of performance data across a broader range of measures as soon as possible so they could consider where their priorities might lie for their future plans.
348. One respondent highlighted that graduate outcomes datasets need to be updated as they still show 2016-17 Destination of Leavers from Higher Education (DLHE) data when we now have three years of data from the Graduate Outcomes survey. One respondent also requested that free school meal (FSM) data be made available on the data dashboard.
349. Other respondents suggested that the dashboard would need careful thought as to how it will be expanded to include data related to new aims, such as raising attainment and diverse pathways. They acknowledged, however, that the proposals accepted the need to draw on other sources of data in these circumstances.
350. One respondent thought the dashboard demonstrated intersections of disadvantage in a more limited way. We understand that this is because the dashboard is normally configured to set out performance for mutually exclusive groups, and does not enable a mix of characteristics

to be selected in comparing performance of students with a range of bespoke characteristics (for example, Asian, disabled students from IMD Q1 vs non-Asian, non-disabled students not from IMD Q1) against those who do not have these characteristics.

351. Another respondent reflected that the dashboard may be less helpful for those groups that are disadvantaged but where the numbers are very low. The respondent's view was that other sources would need to be accepted as valid by the OfS in these circumstances.
352. The attainment gap between black, Asian and minority ethnic students and white students was cited by one respondent who requested that this was added to the sector's data on improving equality of opportunity in higher education. The same respondent reflected that there was little mention of ethnicity in the consultation document.
353. One respondent welcomed integrating a wide range of metrics into the access and participation data dashboard, but they were concerned by the choice of indicators and the inconsistency between the dashboard and the metrics underpinning OfS's recently published key performance measure 5 (access to higher education). They thought it was unclear why the OfS holds itself to account on widening access using measures that are different from those it asks the sector to use.

OfS response

354. We welcome the positive comments from respondents on the utility of the access and participation dashboard. It remains established OfS policy that this resource will normally be published at sector- and provider-level on an annual basis. We intend to continue publishing the dashboard on our website to ensure it is available to a wide audience, including providers, students and the general public. We consider that it is in the public interest to be transparent about a provider's performance in respect of mitigating possible risks to equality of opportunity.
355. In relation to comments about further information on how to use the dashboard, we are committed to providing appropriate guidance and support materials to providers, and all other users of our statistics, to ensure the transparency of our approach to data. This includes providing appropriate training and user guides designed to make it easier for providers to understand and engage with our approach, particularly for providers that may have more limited access to resources. We recognise that data we publish will be of interest to a range of audiences, so we aim to make these resources understandable to as wide a range of users as possible. As a producer of official statistics, we welcome feedback from users on how we can enhance this information and the usability of the dashboard. We include a feedback button on the dashboard webpage and a dedicated email address on our technical documentation for this purpose.
356. In relation to comments received about the measures to be included or removed from the dashboard, this information was set out in our analysis of responses and decisions relating to our recent consultation on constructing student outcome and experience indicators.²¹ It is further explained in our published 'Description and definition of student outcome and

²¹ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

experience measures' document.²² As of spring 2023, the progression measures in the access and participation dashboard will be based on responses to the Graduate Outcomes survey and these supersede previously published information based on the DLHE survey.

357. In relation to comments received about reporting student outcomes data relating to students eligibility for free school meals when they were at school, previous dashboard releases since 2019 have included this information and we have now expanded it to report across all lifecycle stages in the most recent releases. We have also made this information more prominent on the overview page of the dashboard.
358. We do not have any current plans to expand the dashboard to include information about attainment in schools. We note that relevant information on this topic is available through the Department for Education website and take the view that duplicating it in the access and participation data dashboards would be ineffective and inefficient. In particular, we consider that it would lead to a significant increase in the volume of data reported and require changes to the reporting structure of the dashboard that could negatively affect its clarity and accessibility.
359. We recognise challenges in relation to data reportability and increased statistical uncertainty for groups of students that are in low numbers and agree that in such cases it may be useful to augment data from the dashboard with other sources of information where this is relevant and available. While we will always need to prioritise the privacy of individual students and compliance with data protection legislation, we include data reported across different aggregations (for example across multiple years or levels of study) to increase data reportability where possible. We have enhanced the presentation of statistical uncertainty within the dashboard to help users make appropriate interpretations of the data and evaluate the strength of statistical evidence that the data provides where this relates to small groups. This approach is consistent with the approach to presenting statistical uncertainty in other regulatory functions, such as the regulation of students outcomes and the TEF.
360. We are aware of the challenges in relation to accessing and understanding data on intersections of characteristics. Reporting data in more intersectional terms can mean that patterns of performance are concealed by both the sheer volume of the resulting split indicators and the statistical uncertainty that arises in relation to each of those indicators on account of their often small population sizes. We take the view that this means it would not be possible to draw reliable conclusions for the groups of interest. We have included outcomes reported by our ABCS measures in the dashboard to improve the information available relating to relevant intersections of disadvantage while mitigating the related issues. The individualised student data files we share with providers, together with accompanying rebuild instructions, provide a resource that providers can use to model student populations and student outcomes at different levels of granularity or intersectionality for their own internal processes if they wish to do so.
361. We confirm that information about the sector attainment gap for black, Asian and minority ethnic students is available within the access and participation dashboard and would expect

²² See www.officeforstudents.org.uk/publications/description-and-definition-of-student-outcome-and-experience-measures/.

providers to use this information, in addition to the information reported at provider level, to evaluate risks to equality of opportunity that are evident for their student population.

362. In relation to the observation that the consultation document has little mention of ethnicity, we have sought to capture a far broader range of student characteristics that providers should also consider in determining whether there are risks, or indications of risks, to equality of opportunity for particular groups of students. This range of student characteristics, such as those that are used in the access and participation dashboard and those that are referenced in the EORR, recognise particular indications of risks to equality of opportunity, where appropriate, that may be related to students' ethnicity.
363. OfS KPM5: Access to higher education is constructed in a way that may differ from what we may expect to see in an individual providers plan because we encourage providers to set objectives and measurable targets more specifically related to the key risks to equality of opportunity that they have identified through their own assessment of performance.²³ This will normally mean identifying and using available indicators that measure particular types of disadvantage to direct the design of appropriate intervention strategies. In constructing KPM5 we have sought to devise a measure that is easily understood by the public and those within the higher education sector, which shows the socioeconomic background of young, full-time undergraduate entrants to higher education. Our intention is for it to characterise student's backgrounds appropriately for the purpose of its use in evaluating the impact of our approach to regulating student access to higher education. It does this using individual level data from different stages of a student's education to characterise a range of economic disadvantage that students experience across the sector, in different contexts. It also takes account of a broader set of measures which are not currently available to providers at provider level in the access and participation dashboard, namely household residual income, financial dependency status and Key Stage 4 school type. We set out following our recent consultation on constructing student outcome and experience indicators that we would include additional measures as split indicators in the access and participation dashboard if and when it becomes possible for that resource to include both sector- and provider-level information about them.²⁴

Use of POLAR/TUNDRA/ABCS

364. Some respondents thought that the continuing use of area-based measures in the regulation of access and participation presents specific challenges for providers in metropolitan areas where some measures, namely POLAR and TUNDRA, have limitations. Respondents cited recent research conducted by London Higher which found that other measures of disadvantage may be more useful.
365. The introduction of ABCS data was welcomed but one respondent suggested that this data may lead to similar issues [as experienced by some providers in relation to area-based measures POLAR and TUNDRA]. In particular, the respondent highlighted a concern that ABCS and TUNDRA would be used as a 'fix' to the previous issues with POLAR, when many

²³ See www.officeforstudents.org.uk/about/key-performance-measures/kpm-5-access-to-higher-education/.

²⁴ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

of POLAR's issues for London-based providers are also true of TUNDRA and ABCS. We understand this to refer to the limitations of using area-based measures of disadvantage.

366. Some respondents explained that while they considered inclusion of TUNDRA and ABCS to be a positive step forward, they thought it may present providers with the need to identify how internal data is mapped to identify the relevant quintiles for individual students. They commented that this would be needed to ensure appropriate and useful analysis, and to understand how this is overlaid with the additional splits within the student outcome and experience indicators. They considered that this could place a significant and possibly unsustainable expectation on providers.

OfS response

367. We are aware of limitations that respondents have described in relation to the POLAR classification. Because we do not expect the POLAR methodology to be updated, we have previously described our intention to move away from use of this classification in the access and participation data dashboards and for the purposes of setting targets in respect of equality of opportunity. We expect the classification to become increasingly out of date in the event of changes to the UK demographics or propensity to study higher education.

368. Tracking underrepresentation by area (TUNDRA) is a newer area-based measure that uses tracking of state-funded mainstream school pupils in England to calculate rates of young participation in small geographic areas. Respondents correctly observe that TUNDRA relies on the same geography of areas as the POLAR methodology, and contributes to the construction of the ABCS analyses.

369. On average each geographical area used in the construction of these classifications has approximately 85 people in each cohort, but this can be as little as 10 in areas with few young people and as many as 300 in areas with high numbers of young people. We consider that the robustness of a TUNDRA classification generally increases as the number of students in each area increases, and we note that high numbers of young people in a given area is more common in metropolitan areas. We acknowledge that young participation rates can vary within geographical areas: when considered at a more local level, there may be pockets of low participation within areas that have high participation, and similarly there may be pockets of high participation within areas that have low participation according to the TUNDRA methodology. However, analysis has shown that the majority (86.6 per cent) of the young population are likely to live in more local areas with participation rates that are not substantially different from that of the broader area in which they live and which has been used in the TUNDRA methodology. As an area-based measure that uses individualised data and tracks individuals from Key Stage 4 to higher education, we therefore consider that TUNDRA may be suitable for use by providers where there are geographical gaps in access to higher education.

370. Furthermore, we note that young people in certain metropolitan areas are more likely to access higher education than young people elsewhere in the UK. This does not mean that these area-based measures are indicating that all young people in those metropolitan areas are highly likely to enter higher education, just that a greater proportion will do so relative to other areas of the UK. We recognise that there will be individuals living in areas with relatively high participation who may have other characteristics that are associated with lower access to higher education or that may impact their risk to equality of opportunity. We therefore consider that assessments of individuals should consider multiple aspects of their background and we

would not expect use of the TUNDRA measure (or any other area-based measure) in isolation where a provider is addressing a risk to equality of opportunity that is related to individual student circumstances (such as socio-economic circumstance).

371. We continue to take the view that the ABCS analyses provide a valuable and appropriate way of understanding risks to equality of opportunity based on a combination of factors. We acknowledge the points raised by respondents that the use of ABCS would have more value if providers understood which students are associated with each ABCS quintile. We note that there are a range of relevant resources published on the OfS website, including toolkits which provide lookups of ABCS quintile membership. Relevant information about a provider's current students' ABCS quintiles is also available through the individualised student data files released to providers alongside the access and participation data dashboards.

Smaller providers and limited availability of data

372. Some respondents questioned how significant a contribution small providers could really make to national figures.

373. Some respondents noted that the consultation proposals would make welcome progress towards an approach that is suitable regardless of size and type of provision, in particular the acknowledgement that small student numbers may create statistical uncertainty and the need for more consideration of context and proportional risk. This includes instances where negative outcomes for one or two students may have a disproportionate impact on particular outcome statistics for that provider.

374. Many respondents commented that data is not equally available for all providers. Respondents highlighted that this was a particular issue for smaller providers, and we understand it to refer to the suppression of data within the access and participation data dashboard when it is based on a small population of students. It may also refer to barriers to sharing data between a student's teaching and registering providers when they are taught under sub contractual partnership arrangements. Some respondents highlighted that even where data is available, the data may not be statistically significant.

375. One respondent suggested that data should be aggregated over a long time period to enable more meaningful assessment.

376. While one respondent tended to agree that using the access and participation data dashboard to assess a provider's progress is the right approach, they suggested that this led to small providers with limited or no data trying to recreate information dashboards to identify gaps and inequalities that mirrored the OfS data dashboard. This was viewed as being costly and time consuming and relied on a specialist skillset that some providers may not have. Some respondents noted that they were disadvantaged in this respect because they needed to expend further resource in evidencing where there was a lack of dashboard data available compared with a larger institution. It was commented that small institutions have limited data resources and expenditure on access to externally provided data would have budget limitations.

OfS response

377. We acknowledge that individual provider contributions may sometimes seem relatively insignificant in respect of national figures. We consider, however, that the cumulative impact of all providers with an access and participation plan considering how they can serve the needs of students who experience risks to equality of opportunity more effectively, and committing to activities in their plans to do so, has the potential for far greater impact. We therefore consider that it is important that even small providers set out their plans for improving equality of opportunity through their access and participation plan.
378. We recognise that the access and participation data dashboard will potentially be less useful in supporting a provider with small student populations to understand their own performance in relation to the promotion of equality of opportunity. For this reason, we also include sector-level data on the dashboard to highlight trends related to particular student characteristics that smaller providers with limited provider-specific data might draw on to better understand the indications of risk that some students groups may experience. We consider that this sector-level understanding can be used in conjunction with a provider's understanding of the characteristics of its own student populations (whether drawn from its own information sources, or using the individualised student data files released to providers alongside the access and participation data dashboards) in order to focus their own plans on taking appropriate measures.
379. We are aware that the level of granularity at which data is reported in the access and participation data dashboard and other data sources can mean that certain breakdowns of that data are not reported for all providers, where to do so would present a risk of disclosing data about individuals and breach of data protection legislation. We also recognise the challenges that some providers may face in accessing data held by partner providers in respect of students taught under sub-contractual arrangements. In both of these cases, we are aware that some providers may need to rely on more aggregated data, or a more partial time series, which may affect their onward uses of the data in conducting an assessment of their performance. The OfS will always prioritise the privacy of individuals and compliance with data protection legislation, and we take the view that our approaches to the publication and sharing of data in the access and participation data dashboard are appropriate in this regard.
380. Furthermore, we note that even if not reported in the access and participation data dashboard, relevant information about registered students is available through the individualised student data files released to providers. These data files can be used to consider alternative groupings than those constructed by the OfS if data is not reportable in the access and participation data dashboard and, where providers have appropriate data sharing agreements in place, relevant data from these resources can potentially be shared with a partner provider. We would, however, encourage providers to exercise caution in their use of statistics derived from these, or other internal data sources, with reference to very small populations of students. Providers should be mindful of their own responsibilities with respect to data protection legislation, as well as the concept of statistical uncertainty.²⁵

²⁵ For more information about the concept of statistical uncertainty, and its impact on interpretation of small student groups in particular, see www.officeforstudents.org.uk/publications/description-and-definition-of-student-outcome-and-experience-measures/.

381. We recognise that issues of statistical significance can be acutely demonstrated when considering the performance of providers in relation to small groups of students, which often correlate with minority groups and those that are most likely to experience risks to equality of opportunity. We have provided guidance in Regulatory notice 1 on dealing with statistical uncertainty and have sought to further reflect this uncertainty in our updates to the access and participation data dashboard. We will provide further guidance on how providers can understand and address their own performance, and set targets when dealing with data uncertainty in Regulatory advice 6.
382. We do not consider that reporting and aggregating data over a longer time period would lead to more meaningful assessments. The access and participation data dashboards are already reporting on a six-year time series, showing aggregates of the most recent two and four years, and we consider that – collectively – this remains sufficient for the purposes of assessing current risks to equality of opportunity. We note that aggregates informed by a longer time series comprised of multiple small cohorts, which are individually susceptible to high levels of statistical uncertainty, may continue to experience high levels of statistical uncertainty that can limit their onward use. Furthermore, we note that a marked increase in the volume of data included in the access and participation data dashboards (on account of covering longer time series and aggregations) would sit in tension with more widespread concerns about the burden and complexity of engaging with the data and our regulatory approach.
383. We have taken the view, through consultation during 2022, that the range of indicators and split indicators included in the access and participation data dashboards are appropriate to ensure that we are able to deliver our policy intentions for promoting equality of opportunity and protecting the interests of students wherever, whenever and however they study. While we recognise that the resulting volume of information is large, it presents an aggregate picture of the individual-level student data that registered providers must collect and submit to the designated data body each year. It is a requirement of OfS registration that providers have the resources needed to meet our regulatory requirements, including the submission of, and engagement with, accurate data returns. However, we recognise that providers may also welcome further support in understanding the data indicators that the OfS constructs for use in regulation. We are committed to providing appropriate guidance and support materials to providers, and all other users of our statistics, to ensure the transparency of our data approaches and reduce the potential impact of understanding and engaging with our approach, particularly on providers that may have more limited access to resources. We recognise that data we publish in the access and participation data dashboards will be of interest to a range of audiences, so we would aim to make these resources understandable to as wide a range of users as possible.

Internal data and qualitative data

384. Some respondents agreed that any other relevant, reliable provider or sector-level data or evidence related to equality of opportunity for students should be used as evidence, where appropriate. We understood this to mean that providers welcomed that they could draw on a range of insights and intelligence beyond the access and participation data dashboard to establish where the focus of its plan might be best directed, drawing on a range of other insights.

385. Some respondents suggested that the proposals were overly focussed on quantitative data and statistics, and may not capture other important aspects of the student experience.
386. One respondent suggested that there is a need for a clear data definitions guide to support providers to generate their own internal analysis where needed, in recognition that, for example, there are different definitions used across the sector for key measures, such as continuation between the OfS and HESA.

OfS response

387. We have noted in Regulatory notice 1 that, where applicable, providers may draw on their own internal data sources or other relevant datasets. This may include data at sector rather than provider-level, and qualitative as well as quantitative data.
388. We have considered feedback from providers on the importance of considering broader aspects of the student experience which may not be captured by the existing data on the access and participation data dashboard. We will explore whether and how additional data, such as National Student Survey (NSS) data, might eventually be integrated into the access and participation data dashboard, or an equivalent output, as an additional indicator of possible risks to equality of opportunity. However, recent changes to the NSS mean that this will necessarily be an issue we explore in coming years. We have also noted under Proposal 4 that we will provide guidance in Regulatory advice 6 on setting targets for small and specialist providers using approximations.
389. We recognise that different data definitions may be used by providers and other stakeholders to measure similar student outcomes to those reported through the access and participation data dashboards. We encourage providers, where possible, to adopt definitions that are as close as possible to OfS definitions so that any measures are as similar as possible and support transparency. We have published our data definitions to support this.²⁶ Where this is not possible, a provider may wish to explain how it has amended such definitions for the purposes of, for example, creating measurable targets that are both accurate and understandable.

The role of the governing body

390. A small number of respondents expressed reservations regarding the proposed change to no longer require access and participation plans to include information about how a providers' governing body has signed it off. Some respondents suggested that this could lead to a reduction in a governance oversight of the plan.
391. Another respondent viewed that this was unlikely to make a difference to overall levels of regulatory burden. Given that access and participation plans are such a prominent focus of the OfS, and that non-approval or a protracted negotiation of plans would have a significant impact, they thought it would be extremely surprising if a Board did not expect significant consultation and oversight throughout a plan's development, implementation and monitoring.

²⁶ See www.officeforstudents.org.uk/publications/description-and-definition-of-student-outcome-and-experience-measures/.

OfS response

392. We have considered respondents views about the changes to the assurances we require regarding the sign off of plans. We do not consider that we should change this approach. This is because:

- a. Regulations made under HERA set out the responsibilities of governing bodies, including in relation to their content and approval.²⁷ The new approach does not change these responsibilities.
- b. Regulatory notice 1 sets out that providers are expected to have adequate and effective arrangements for monitoring and overseeing the delivery of the contents of the plan.

393. As such, our substantive expectations have not changed, but we have sought to reduce regulatory burden by removing the expectation that providers will report information about this to us.

Decision

We have decided to proceed with this proposal with no changes to our proposed approach. This means that:

- the OfS will use the published access and participation data dashboard and other contextual provide data to conduct an analysis of a provider's data, to understand a provider's context during its assessment of a provider's plan.

We will explore whether and how additional data, such as National Student Survey (NSS) data, might eventually be integrated into the access and participation data dashboard, or an equivalent output, as an additional indicator of possible risks to equality of opportunity.

²⁷ See: Section Higher Education (Access and Participation Plans) (England) Regulations 2018 – Regulation 2(2).

Annex A: Consultation proposals and questions

Questions relating to specific proposals

When answering questions about the extent to which respondents agreed to a proposal, respondents were asked to choose from the following:

- Strongly agree
- Tend to agree
- Tend to disagree
- Strongly disagree
- Don't know or prefer not to say

Proposal 1: Risks to equality of opportunity

- We proposed that a provider's access and participation plan should be focused on 'risks to equality of opportunity'.
- We proposed that a provider should have regard to the OfS Equality of Opportunity Risk Register (EORR) when identifying its risks to equality of opportunity.

Questions

1. To what extent do you agree with our proposals relating to **risks to equality of opportunity**? Please provide an explanation for your answer.
2. If you consider our approach should differ, please explain how and the reasons for your view.

Proposal 2: Four-year plan duration and publication of information about a provider's delivery of a plan

- We proposed to reduce the normal maximum duration of plan approval to four years.
- We proposed that a plan should be written as a strategic document that is set out over a four-year period.
- We proposed that we should normally expect to publish information about our judgement about whether or not a provider has appropriately delivered the commitments in its approved access and participation plan.

Questions

3. To what extent do you agree with our proposals relating to a **four-year plan duration and publication of information about a provider's delivery of a plan**? Please provide an explanation for your answer.

4. If you consider our approach should differ, please explain how and the reasons for your view.

Proposal 3: Format and content of an access and participation plan

- We proposed that a provider should include an accessible summary in its access and participation plan.
- We proposed that a provider's access and participation plan should include intervention strategies that are linked to named objectives and address the provider's risks to equality of opportunity.
- We proposed that a provider should follow a standard format when writing its access and participation plan that includes introduction and strategic aims, risks to equality of opportunity, objectives, intervention strategies, whole-provider approach, student consultation and provision of information to students.
- We proposed that a provider's plan should not exceed 30 pages. There is no minimum length for an access and participation plan. This page limit would exclude any annexes detailing a provider's assessment of performance, the accessible summary, and supporting documents setting out fees, investment, and targets.

Questions

5. To what extent do you agree with our proposals related to the **format and content of an APP**? Please provide an explanation for your answer.

6. If you consider our approach should differ, please explain how and the reasons for your view.

Proposal 4: Targets

- We proposed that objectives should be translated into numerical targets with measurable outcomes-based milestones set over the duration of a plan.
- We proposed that targets should be captured in a targets and investment plan.

Questions

7. To what extent do you agree with our proposals related to **targets**? Please provide an explanation for your answer.

8. If you consider our approach should differ, please explain how and the reason for your answer.

Proposal 5: Evaluation

- We proposed that a provider should be expected to significantly increase the volume and quality of evaluation across its access and participation activity.

- We proposed that a provider should be expected to supply more information about what it will evaluate and when.
- We proposed that a provider should be expected to set out how and when it intends to publish its evaluation results.

Questions

9. To what extent do you agree with our proposal related to **evaluation**? Please provide an explanation for your answer.
10. If you consider our approach should differ, please explain how and the reason for your answer.

Proposal 6: Investment

- We proposed that a provider should be expected to include information on how much it is investing in each intervention strategy.
- We proposed to no longer ask a provider for information on access investment in the targets and investment plan document.
- We proposed to continue to ask a provider for information on financial support and research and evaluation investment in the targets and investment plan document.

Questions

11. To what extent do you agree with our proposals related to **investment**? Please provide an explanation for your answer.
12. If you consider our approach should differ, please explain how and the reason for your answer.

Proposal 7: Raising attainment in schools and collaboration

- We proposed that there are key sector-level priorities in the EORR that we would expect to be reflected in the majority of APPs. In particular we expect providers to address in their plan the key sector-level priority on raising pre-16 attainment in schools through the development of strategic partnerships with schools.
- We invited feedback on how the OfS could support providers to develop strategic partnerships to raise attainment in schools.
- We invited feedback on how the OfS might use other tools, such as funding, evidence of effective practice and its convening powers to support collaboration and partnership, to address core risks to equality of opportunity.

Questions

13. To what extent do you agree with our proposals related to **raising attainment in schools and collaboration**? Please provide an explanation for your answer.
14. How might the OfS support providers to develop strategic partnerships to raise attainment in schools?
15. What support would help foster collaboration between higher education providers, schools and colleges around information advice and guidance (IAG), outreach and attainment raising, and why?
16. If you consider our approach should differ, please explain how and the reasons for your view.

Proposal 8: Assessment process

- We proposed that the OfS will use the published access and participation data dashboard and other contextual provider data to conduct an analysis of a provider's data, to understand a provider's context during the APP assessment process.

Questions

17. To what extent do you agree with our proposal related to the **assessment process**? Please provide an explanation for your answer.
18. If you consider our approach should differ, please explain how and the reasons for your view.

Questions relating to all proposals

19. Do you have any feedback on the whole proposed approach to regulating equality of opportunity regulating equality of opportunity in English higher education, including regulation of access and participation plans as described in the draft Regulatory notice 1 (Annex C)?
20. Do you foresee any unintended consequences resulting from the approach set out in this consultation? If so, please indicate what you think these are and the reasons for your view.
21. Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.
22. Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?

Annex B: Matters to which we have had regard in formulating our approach

1. In making final decisions on our proposals the OfS has had particular regard to its general duties in section 2 of HERA; sections 29-37 of HERA; additional regulations provided under HERA and other relevant factors.

Duty to protect academic freedom

2. In performing our access and participation functions we are subject to the duty in section 36 of HERA to protect academic freedom. This means that we are required to protect, in particular:

‘the freedom of institutions:

- (a) to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
- (b) to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
- (c) to determine the criteria for the admission of students and apply those criteria in particular cases.’

3. We have carefully considered whether our approach could be inconsistent with this duty and have concluded that it is not. This is because it remains the case that providers can determine their own approach to these matters as they see fit.

The OfS’s general duties

4. In formulating our approach, we have had regard to the OfS’s general duties. We consider that the approach we have decided to take is particularly relevant to the following general duties:

General duty (a) the need to protect the institutional autonomy of English higher education providers,

General duty (b) the need to promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers,

General duty (d) the need to promote value for money in the provision of higher education by English higher education providers,

General duty (e) the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers,

General duty (f) the need to use the OfS’s resources in an efficient, effective and economic way, and

General duty (g) so far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be—

- (i) transparent, accountable, proportionate and consistent, and
- (ii) targeted only at cases in which action is needed.

Institutional autonomy

5. We note that section 36 of HERA has the effect of amending the OfS's general duty that relates to institutional autonomy such that, where the OfS is performing its access and participation functions, the definition of institutional autonomy relates only to the need to have regard to 'the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way'.
6. We also note that some elements of our approach relates to other OfS functions, such as those connected with conditions of registration, and we have therefore also considered the full applicable definition of institutional autonomy (which includes matters relating to academic freedom) in respect of those relevant functions. However, as explained in the section above on academic freedom, we do not consider that our revised approach set out in this document and in Regulatory notice 1 will have an impact on academic freedom and have therefore focused our considerations on 'the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way'.
7. Our approach is focused on expecting providers to identify the risks that exist to equality of opportunity for their students and wider context. We are providing our view of key sector-level risks to equality of opportunity to support this process but a provider has significant latitude to determine for itself the risks on which its access and participation plan should focus. We do expect to engage with providers that do not present plans with meaningful and effective provisions for approval, and we take the view that this is appropriate to ensure that each provider is making an appropriate contribution to promoting equality of opportunity in higher education. As such, we consider it is important that each provider systematically considers its own potential contribution to, and mitigation of, these risks. We consider that they should do so in relation to a sector-level expression of risks, which is a non-exhaustive reference point, as well as through consideration of their own performance for different student groups at particular points of the student lifecycle.
8. It is important that the OfS can intervene to ensure that current and future students experience equality of opportunity prior to, throughout and beyond their higher education experience where there are concerns about the progress a provider is making in understanding and addressing these risks.
9. The general approach set out in the regulatory framework and expanded on in Regulatory notice 1 attaches weight to institutional autonomy in respect of a provider determining the contents of its access and participation plan. However, we are giving weight to autonomy insofar as this is consistent with the need to protect the interests of students and, in particular, students from underrepresented groups. Where a plan does not demonstrate that a provider has undertaken a credible assessment of risks to equality of opportunity, or where the measures it sets out are not based on credible evidence, we consider that its autonomy is likely to carry less weight than the interests of current and future students.
10. Similarly, we would not consider it appropriate for autonomy to outweigh taxpayers' interests where our expectations for addressing risks to equality of opportunity are not met. Taxpayers

should expect that higher education providers are providing for people with diverse experiences and characteristics. To propel some groups rather than other groups through a publicly funded higher education system would risk not delivering society's full potential.

11. Where a plan does demonstrate a credible assessment of risks to equality of opportunity, we deem that a provider should have the autonomy to determine its own priority risks and associated aims, objectives and targets to address these. Provided that we consider these targets to be reasonable and the strategies credible, we aim to avoid undue challenge.
12. We have considered the risk that requiring providers to set out more detailed information about intervention strategies than in the existing regime, including levels of investment against each intervention, might be seen to limit institutional autonomy – whereby a provider might set the outcomes it intends to achieve, and be responsible for delivering these in the manner it sees as most appropriate. We are also conscious that this might be perceived to create a more rigid framework which hampers providers' ability to develop and refine the details of intervention strategies over time rather than upfront in a plan for approval. It is our view that our engagement with a provider can be most effective and constructive at the design stage of a plan, and that we are likely to see only incremental progress in achieving equality of opportunity if we were to take an approach more tightly focused on outcomes in this area.
13. Our view is that this means that the interests of students outweigh the interests of a provider in this situation, and that an approach to regulating access and participation that involves providers identifying and setting out how they will address their most significant risks to equality of opportunity, and the OfS holding them to account for this over the duration of a plan, is an appropriate way to protect students' interests. This view is consistent with the OfS's general duty to have regard to the need to protect institutional autonomy.

Promoting quality, choice and opportunities for students

14. Our approach is designed to extend choice and opportunities for students from groups underrepresented in higher education through requiring each provider to identify, set out and implement credible approaches to address risks to equality of opportunity for such students. This means that students from all backgrounds should have a wider range of choices in terms what, where and how to study. It should also result in extended opportunities for them. Our focus on increasing the diversity and flexibility of higher education provision and the need to robustly evaluate the effectiveness of the interventions a provider delivers is also important in this context.
15. We consider that our approach also complements and reinforces our approach to regulating the quality of higher education courses. This is because our approach to regulating access and participation has been designed to build on the minimum expectations that we have set out in the B conditions for the quality of higher education that all students, regardless of background, should receive. For example, we have set out our approach to regulating student outcomes through condition B3. This sets minimum numerical thresholds for continuation, completion and progression that apply to students from all backgrounds. Our position is that providers must support their students to succeed, irrespective of their backgrounds. Our view is that this will include removing or minimising disadvantages suffered by students from underrepresented groups, and to take steps to meet the needs of students from underrepresented groups that are

different from other students. This complements the expectations that providers will identify, set out, and implement credible approaches to address risks to equality of opportunity.

16. In some cases providers will fail to do this, and we will see low continuation and/or completion rates, or disappointing levels of progression to relevant employment or further study, even where those providers may offer opportunities for students to enter higher education. Where this is the case, we do not consider that this represents genuine and meaningful choice and opportunities for students in a way that promotes equality of opportunity. As a result we expect that our regulation of quality and equality of opportunity will dovetail to generate pressure for providers to improve.

Value for money

17. Value for money in the provision of higher education is important for both students and taxpayers. Students normally pay significant sums for their higher education and incur debt for tuition fees and maintenance costs whether or not their course provides equality of opportunity for them.
18. Similarly, taxpayers contribute significantly to higher education through the provision of government-backed student loans and, for some providers, public grant funding. This investment is unlikely to represent value for money if, for example, some students are less likely than others to be admitted into and supported to succeed in and beyond their higher education experience.
19. To protect the interests of students and taxpayers, our view is that it is appropriate to regulate access and participation plans in the way proposed in this consultation. Our approach seeks to ensure that the investment of students and taxpayers is focused on providers and courses that provide equality of opportunity for students.
20. Our approach focuses on both increasing activity to raise attainment in schools and also addressing the most significant risks to equality of opportunity for individual providers. This is intended to ensure that students are equipped to access higher education and succeed on their course by raising attainment in schools so that prospective higher education students gain the qualifications required to access higher education and are better prepared for their studies.
21. Our strong focus on improving the quantity and quality of evaluation is designed to optimise providers' activities and so ensure only the most effective strategies are delivered. This will improve the likelihood of relevant students completing their studies, achieving successful outcomes during their higher education and beyond. We consider that this provides value for money for individual students and taxpayers as graduates become productive members of society. In turn, society will benefit from the experiences and perspectives of a diverse set of graduates in a wide range of employment contexts.

Equality of opportunity

22. We consider it important that students from underrepresented groups, or groups who are otherwise disadvantaged historically in relation to access and success in higher education, are able to access higher education that is right for them if they so choose, and then succeed in

and beyond higher education and do so at the same rates as students who are not from such backgrounds.

23. We have considered whether our approach for introducing a sector-level risk register and the expectation that providers will select only those risks which they identify as the most relevant for them is likely to create disincentives for providers to focus on identifying and addressing particular risks related to small groups of students from underrepresented groups.
24. However, we are clear that the risks set out in the Equality of Opportunity Risk Register (EORR), and to which we expect providers to respond in their own contexts, are not a matter only of the quantity of individuals affected, but also the severity of impact, the likelihood of impact, and the extent to which individuals can be legitimately considered to have made a meaningful choice about their access to and success in higher education. Therefore, we envisage a sharper focus on specific objectives, with increased ambition in tackling these in a shorter timescale, alongside an expectation of significantly more detailed interventions with clearer plans for evaluation. It is our view that, in time, this will enable the sector to make faster progress overall in relation to the most persistent equality of opportunity risks, and generate more useful evidence to underpin the adoption of effective practice in the future. This in turn will benefit all student groups.
25. To mitigate the risk that some of the most underrepresented and vulnerable groups may be omitted in the focus of providers' plans we will monitor the coverage of plans in relation to these groups and advise providers if there are areas in which they may be able to contribute to addressing sector-level risks where those at risk are disproportionately highly represented at an individual provider.
26. We need to understand what works and does not work (and for who in what contexts) in access and participation. Our approach, specifically around strengthening providers' evaluation activity, will help to contribute to this, and thereby to improving equality of opportunity, through the generation and dissemination of evidence relating to the interventions delivered through plans.

Best regulatory practice

27. We currently consider that our approach appropriately engages with the principles of best regulatory practice, in particular, regarding matters relating to proportionality. For example, we have set out our expectation that we are likely to expect a smaller provider to seek to address a smaller number of risks to equality of opportunity than a larger provider. We will focus on those providers where we consider there to be the greatest risks to equality of opportunity. We also consider that our approach to continue to adopt a focused and risk-based approach to monitoring providers' delivery of the commitments in their access and participation plans demonstrates the ways in which our activities are targeted only at cases in which action is needed.

Power to publish notices, decisions and reports

28. We have had regard to sections 67A to 67C to the Higher Education and Research Act 2017 (HERA), which make express provision for the publication of information. These sections give

us clear statutory powers to publish notices, decisions and reports in the performance of our functions.

29. Our approach will enable us to decide to publish information about our views on whether or not a provider has properly delivered the commitments in its approved access and participation plan. We would expect to have regard to the factors set out in Regulatory advice 21 and section 67A of HERA in making such publication decisions and, if a decision is made to publish information, we would normally expect to include a statement to make clear that the OfS had not made any findings about the provider's compliance with conditions of registration where this is the case.
30. We take the view that our approach to publishing information about our views on whether or not a provider has properly delivered the commitments in its approved access and participation plan will provide appropriate incentives for all providers to satisfy our expectations for the delivery of their access and participation plans. We consider that publication would be in the interests of current and future students, the public, and providers that do meet our expectations. Each case will be considered on a case by case basis.

The public sector equality duty

31. We have had regard to Schedule 1, paragraph 21 of HERA, which extends the Equality Act 2010, and therefore the public sector equality duty, to the OfS. This requires the OfS to have due regard to eliminating unlawful discrimination, to foster good relations between different groups and to take steps to advance equality of opportunity.
32. Our approach is focused on addressing risks to equality of opportunity for students from groups underrepresented in higher education, including those with particular protected characteristics. We are seeking to ensure that all students, regardless of their personal characteristics or background, can access, succeed in and progress from higher education. We have identified material risks to equality of opportunity for students with some particular protected characteristics and will set these out in the EORR we are publishing alongside the outcome of the consultation and publication of revised Regulatory notice 1. Our approach means that providers are encouraged to address these risks in their access and participation plans.
33. We will publish revised equality objectives that will set out how the OfS will demonstrate compliance with the public sector equality duty, and will allow us to ensure our approach to equality matters is consistent with our strategic approach to the regulation of equality of opportunity.

Guidance issued by the Secretary of State

34. We have had regard to guidance issued to the OfS by the Secretary of State under section 2(3) of HERA, particularly the guidance issued in November 2021 called 'The future of access and participation plans'.²⁸
35. We have had regard in particular to the following aspects of that guidance:

²⁸ The statutory guidance cited is available at www.officeforstudents.org.uk/advice-andguidance/regulation/guidance-from-government/.

- a. **The need to retain focus on access of low income students and white British young males in receipt of free school meals; black and minority ethnic students and in particular black attainment.**

We aim to achieve this through the sector-level risk register to which each provider should have regard when determining its greatest risks to equality of opportunity.

- b. **Providers should not be incentivised, nor rewarded, for recruiting disadvantaged students onto courses where too many students drop out or that do not offer good graduate outcomes.**

Our approach addresses this primarily through ensuring alignment of our regulation of both quality and standards and equality of opportunity.

- c. **Access and participation plans should better support raising aspirations and standards in education. The OfS should require providers to promote equality of opportunity before entry to higher education, and support schools to drive up academic standards. Providers should support and be given full credit for activities that support students in other positive outcomes, including: apprenticeships; vocational education; access to other universities – not solely judged on increasing access to their own institution.**

Our approach seeks to achieve this through the introduction and prominence of our expectations for providers to support raising attainment activity in their plans.

- d. **The new approach should relieve burden and bureaucracy and ensure that students and parents are clear on providers' commitments to equality of opportunity. Plans should be short, concise, and both accessible and easy to understand.**

As set out above we consider that our approach will reduce regulatory burden. This is because our approach to monitoring is risk-based and because we will have regard to proportionality considerations in our expectations for a provider's particular contributions to advancing equality of opportunity. While providers are expected to produce an accessible summary of their plan we have removed the expectation that they will submit this for approval. This will give providers more time to develop and to ensure it supports the information needs of prospective students and their advisers.

- e. **Plans should have due consideration of regional inequalities, prior attainment in schools and a focus on the findings of the white working-class boys report.²⁹**

Plans should focus on the greatest risks to equality of opportunity, which will be specific to each provider. This should include consideration of regional inequalities, the contribution that a provider can make to raising pre-16 attainment and also the needs of particular groups deemed at risk, as set out in the EORR and as identified through other data sources.

- f. **Diversifying modes of study in higher education – the OfS should strongly encourage providers to set targets to significantly increase the proportion of students onto**

²⁹ Available at <https://publications.parliament.uk/pa/cm5802/cmselect/cmeduc/85/8502.htm>.

higher and degree apprenticeships, Level 4 and 5 courses (including Higher Technical Qualifications), and utilising flexibility of access such as part-time.

While we are encouraging providers to diversify modes of study, we take the view that this provision should be designed in the interests of all prospective students rather than as an alternative to traditional routes of study for underrepresented groups so as not to undermine our aim for equality of opportunity throughout the higher education sector.

g. Plans should focus on results and best practice.

Our approach means that plans focus on aims and objectives, and that targets are set where relevant. We expect to see intervention strategies setting out how a provider will achieve its aims, objectives and targets and for a provider to demonstrate that it has considered the best available evidence on which to base its approach. Furthermore, we expect the plans themselves to contribute to the generation of higher quality evidence for the future.

h. KPMs and national targets should align with the new focus of access and participation and equality of opportunity.

We have developed the OfS's KPMs in a way that is complementary to the revised approach set out in this document and in Regulatory notice 1.³⁰

i. There should be a shift away from marketing activities. Students' needs and requirements should be in the spotlight.

We agree that students' needs and requirements should be the focus of plans.

The Regulators' Code

36. We have had regard to the Regulators' Code.³¹

37. Section 1 of the code is particularly relevant, which discusses the need for regulators to carry out their activities in a way that supports those they regulate to comply and grow. Our approach, which expects providers to include detail on the intervention strategies that providers intend to adopt, allows us to provide critical challenge where appropriate to achieve change in the interests of students. Likewise, our approach to encouraging providers to significantly increase their evaluation activity, and to commit to the publication of the outcomes of this, will allow the sector to grow its evidence base in relation to effective interventions which might be adopted elsewhere.

38. Section 3 describes how regulators should seek to base regulatory activities on risk. Our approach, which focuses access and participation plans on the greatest risks to equality of opportunity at provider and sector level, aims to achieve this.

39. Section 5 of the code is also particularly relevant in its discussion of the need for regulators to ensure that clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply:

³⁰ Available at www.officeforstudents.org.uk/about/key-performance-measures/.

³¹ Available at <https://www.gov.uk/government/publications/regulators-code>.

- a. Paragraph 5.1 provides for regulators to provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities.
- b. Paragraph 5.2 provides for regulators to publish guidance and information in a clear, accessible and concise format.

40. We consider that our approach encapsulates these aspects of the code. We will publish further information in Regulatory advice 6.

Annex C: Glossary

Absolute performance

This is a term that we use in the context of our student outcomes indicators. It refers to the proportion of students that we observe to have achieved a certain outcome. As a calculated proportion (in technical terms, a point estimate) it provides a factual representation of the actual population of students present at a particular provider at a particular point in time, based on administrative student data. We refer to this as a measure of the provider's absolute performance.

Access

Access into higher education.

Access and participation dashboard

Our access and participation dashboard helps to compare different student groups and their peers across all stages of a student's involvement at English universities and colleges. The dashboard can be used by anyone with an interest in higher education and displays data across a time series to show how student access and participation has changed in recent years.

Access and participation dataset

The dataset contains the underlying data of the access and participation dashboard. It is published as data files alongside the dashboard on the OfS website.

Comparator group

A comparator group is defined relative to a target group (see below) and by student characteristics or combinations of characteristics that have better outcomes than the target group.

Degree apprenticeship

An apprenticeship is a full-time job where an employee also undertakes off-the-job training paid by the employer. A degree apprenticeship is an apprenticeship where the employee is studying towards an undergraduate degree as part of their apprenticeship.

Equality of opportunity

In the context of higher education, 'equality of opportunity' means that individuals are not hampered in accessing and succeeding in higher education as a result of their background or circumstances they cannot fairly influence.

Equality of Opportunity Risk Register (EORR)

This a risk register that sets out the greatest sector-wide risks to equality of opportunity in English higher education.

Higher education provider

An institution that delivers higher education, as defined in Schedule 6 of the Education Reform Act 1988. A provider can be a body with degree awarding powers or deliver higher education on behalf of another awarding body.

Intervention strategy

An intervention strategy in an access and participation plan is an activity that the provider plans to deliver to meet a specific objective.

POLAR4

The participation of local areas (POLAR) classification looks at how likely young people are to participate in higher education across the UK and shows how this varies by area. POLAR4 uses data for young people that entered higher education between the academic years 2009-10 and 2014-15 (aged either 18 or 19). POLAR4 is used as an historical measure, which may be used with TUNDRA to lead to more insights about higher education participation than one measure alone.

Protected characteristics

Protected characteristics are the grounds on which it is illegal to discriminate against someone.³² They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Registration

The process by which a provider applies to be on the OfS Register of approved higher education providers.

Regulatory framework

The regulatory framework is designed to mitigate the risk that the OfS's primary objectives are not met. It states how the OfS intends to perform its various functions and provides guidance for registered higher education providers on the ongoing conditions of registration.

³² See www.gov.uk/guidance/equality-act-2010-guidance.

Risks to equality of opportunity

Risks to equality of opportunity occur when the actions or inactions of an individual, organisation or system may reduce another individual's choices about the nature and direction of their life.

Robust evaluation

A robust evaluation would withstand challenge and scrutiny, in terms of the quality of its design and implementation. This includes the quality of the individual methods (for example, adequate sampling strategies and sizes, well-tested tools for surveys or interviews, adherence to ethical principles, appropriate training for researchers) as well as the overall evaluation approach (the extent to which the evaluation provides evidence of a causal effect of an intervention). It might also include the independence of the evaluation and adequate peer review, to quality-assure the design and execution of the evaluation.

Statistical uncertainty

The indicators we calculate to inform our regulation of access and participation are the proportions of students that we observe to have achieved a certain outcome (in technical terms, point estimates), meaning that they provide a factual representation of the actual population of students present at a particular higher education provider at a particular time. If our interest were solely the observation of past events, then it would be appropriate to rely solely on these values. However, we are seeking to use the indicator values as representations of the most likely underlying performance in respect of student outcomes and experiences, and in respect of equality of opportunity.

As the actual students in a provider's observed population are just one possible realisation of many other populations of students who could have attended that provider, or may do so in the future, statistical uncertainty exists because of the potential for random variation in student behaviours and outcomes.

This means that the indicator values may not always be accurate or precise measures of the underlying performance that they aim to represent. Our regulatory approaches take account of this uncertainty by using a statistical approach that identifies the range within which each provider's underlying performance measure could confidently be said to lie. The full details of this approach are set out in our 'Description and definition of student outcome and experience measures' document.³³

Target group

A target group is defined by a student characteristic, or combination of characteristics, that is underrepresented in higher education or has poorer outcomes. It represents a group for which a provider may consider developing an intervention strategy in order to address a risk to equality of opportunity through the objectives of its plan.

³³ See www.officeforstudents.org.uk/publications/description-and-definition-of-student-outcome-and-experience-measures/.

TASO

The Centre for Transforming Access and Student Outcomes in Higher Education (TASO) is an independent organisation and affiliate What Works Centre that undertakes and uses research and evaluation to determine what works in eliminating equality gaps in higher education.

Teaching Excellence Framework (TEF)

The TEF is a scheme operated by the OfS that aims to incentivise excellence in teaching, learning and student outcomes. The scheme rates higher education providers for excellence above a set of minimum requirements for quality and standards that they must satisfy if they are registered with the OfS. The TEF aims to incentivise a higher education provider to improve and to deliver excellence above these minimum requirements, for its mix of students and courses.

Theory of change

For the purposes of explaining our expectations, we have adopted TASO's definition of a Theory of change: "A theory of change is 'a visual representation of a programme's inputs, activities, outputs, outcomes and underlying causal mechanisms'".³⁴

Tracking system

A database used for monitoring and evaluation that longitudinally tracks participants who have taken part in access and participation activity.

TUNDRA

Tracking underrepresentation by area (TUNDRA) is an area-based measure that uses tracking of state-funded mainstream school pupils in England to calculate young participation. TUNDRA is a supplement to POLAR4. Using both of these together can lead to more insights about higher education participation than one of the measures alone.

Uni Connect

Uni Connect supports young people to achieve their ambitions through helping remove academic, financial and cultural barriers to higher education. It does this by supporting impartial, collaborative outreach, attainment-raising and higher education providers to engage schools.

³⁴ See <https://taso.org.uk/evidence/our-approach-to-evaluation/step-1-diagnose/>.



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www.nationalarchives.gov.uk/doc/open-government-licence/version/3/